

92nd General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

FEBRUARY 24 - 28, 2003

Prepared by
Divisions of Research and Computer Information Systems

MISSOURI SENATE

BILL STATUS

SENATE BILLS

SB 0001

SCS#2 SB 1

SENATE SPONSOR Russell

0202S.03C

SCS#2/SB 1 - Beginning January 1, 2005, any person born after August 28, 1984, to possess a boating safety identification card in order to operate a vessel on the Mississippi River, Missouri River, or the lakes of this state. The State Water Patrol will issue the card. The card will be issued to persons who: (1) have successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the State Water Patrol; (2) have passed an equivalency examination prepared and administered by the State Water Patrol; or (3) hold a valid master's, mate's, or operator's license issued by the United States Coast Guard.

The State Water Patrol may charge a fee for the card that does not substantially exceed the administrative cost of this provision. No individual will be stopped or detained for the purpose of checking to see if the individual holds a boating safety identification card. The act also requires that any person convicted of certain boating offenses must enroll and complete a boating safety education course which meets the State Water Patrol's minimum standards, file proof of successful completion of the course with the court, and not operate a vessel until filing proof.

This act is substantially similar to SB 1083 and HB 1307 (2002).

STEPHEN WITTE

120102	Prefiled	
010803	S First Read	S33
011303	Second Read and Referred S Transportation Committee	S68
020403	Hearing Conducted S Transportation Committee	
021103	SCS Voted Do Pass S Transportation Committee-Consent	(0202S.03C)
021703	Reported From S Transportation Committee to Floor w/SCS-Consent	S233
022003	Removed from S Consent Calendar	S279
022503	Committee Vote Reconsidered S Transportation Comm.	
022503	SCS#2 Voted Do Pass S Transportation Committee-Consent	(0202S.05C)

EFFECTIVE : August 28, 2003

SB 0002

SENATE SPONSOR Russell

0211S.01I

SCS/SB 2 - This act deems a positive test result for controlled substances or for blood alcohol content of eight-hundredths of one percent or more as misconduct connected with work. Claimants suspended or terminated for positive test results are ineligible for benefits. Such claimants may become eligible if they participate in a state-approved drug or alcohol treatment program.

Employers suspending or terminating employees pursuant to this act must publicly post a controlled substance and alcohol workplace policy which warns that a positive test result will be deemed misconduct and may result in suspension, treatment intervention, or termination.

This act is identical to SB 190 (2003).
RICHARD MOORE

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Small Business, Insurance S68
and Industrial Relations Committee
011503 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee
012203 SCS Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee (0211S.04C)

EFFECTIVE : August 28, 2003

SB 0003

SENATE SPONSOR Russell

0434S.01I

SB 3 - This act provides that any fire protection district that is located in whole or in part within a first class or charter county and any county adjoining such first class or charter county may provide stretcher van and wheelchair transportation services if the fire protection district also provides emergency ambulance services.

JIM ERTLE

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Economic Development, S68
Local Government & Tourism Committee
011503 Hearing Conducted S Economic Development, Local
Government & Tourism Committee

EFFECTIVE : August 28, 2003

SB 0004

SCS SB 4

SENATE SPONSOR Caskey

0103S.02P

SCS/SB 4 - This act creates the "Antiterrorism Fund" within the state treasury. Contributions from the sale of "Fight Terrorism" license plates, and other moneys shall be deposited in this fund to fund antiterrorism activities.

This act allows motorists to obtain "Fight Terrorism" license plates. Any person desiring to obtain such plates must make an annual contribution of \$25 to the "Antiterrorism Fund".

STEPHEN WITTE

120102 Prefiled

010803 S First Read S33

011303 Second Read and Referred S Transportation Committee S68

021103 Hearing Conducted S Transportation Committee

021103 SCS Voted Do Pass S Transportation
Committee-Consent (0103S.02C)021703 Reported From S Transportation Committee to S233
Floor w/SCS-Consent

022403 SCS S adopted S293-294

022403 S Third Read and Passed - Consent S294

022503 H First Read

EFFECTIVE : August 28, 2003

SB 0005

SENATE SPONSOR Caskey

0356S.01I

SB 5 - This act allows judicial discretion in determining whether prior and persistent drug sentencing provisions should apply, or whether the court should instead order seizure of any assets directly related to the commission of an offense and order an approved treatment program.

Courts shall impose sentencing in all criminal trials after verdict or plea, except for first degree murder. The act requires courts to consider the Sentencing Commission guidelines. Presentence investigations shall include the recommended sentence established by the Sentencing Commission, a description of the impact of the crime upon the victim, and available alternatives to incarceration, including opportunities for restorative justice. The maximum penalty for a Class D felony is reduced from five to four years; the maximum penalty for a Class C felony is increased from seven to eight years. Extended sentencing terms for persistent offenders are deleted.

In all cases involving violations of Chapter 195, RSMo, the court has discretion to deviate from recommended guidelines, but shall enter written findings for any deviation for statistical purposes only. The findings shall be sent to the Sentencing Commission and made part of the offender's probation and parole record. Failure to enter written findings in these cases, when the sentence ordered is in excess of the guidelines, authorizes but does not require the Board to adjust the sentence to bring it into compliance with the guidelines. If the court suspends the imposition or execution of any sentence, the court may consider various restorative justice methods, such as restitution, community service, or work release programs. Detention shall be a condition of probation, instituted by order of court or at the discretion of the board of probation or parole.

The act allows persons convicted of statutory rape in the first degree and statutory sodomy in the first degree, who have no prior convictions for either crime, to be eligible for assessment by the sexual offender treatment unit of the Department of Corrections. The crimes of pharmacy robbery in the first degree and pharmacy robbery in the second degree are repealed.

"Armed criminal action" is limited to firearms, knives over four inches and explosives, instead of dangerous instrument or deadly weapon. The first offense is a Class C felony; second offense committed at a different time, a Class B felony; and third offense, committed at different times, a Class A felony. Defendants convicted of armed criminal action may be eligible for parole, probation, conditional release or suspended imposition or execution of sentence. The act retains the minimum sentence requirements for armed criminal action. The independent audit required of law enforcement agencies involved in federal forfeitures shall be provided to the Department of Public Safety, as well as to the governing body of the agency. The Department shall not issue funds to any law enforcement agency that fails to comply.

This act is similar to SB 245 (2001).

SARAH MORROW

120102	Prefiled	
010803	S First Read	S33
011303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S68
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0006

SENATE SPONSOR Caskey

0418S.01I

SB 6 - This act allows a creditor, surviving spouse or person acting for an unmarried child to commence an action for nonprobate transfer if the personal representative fails to commence an action within thirty days of a written request. If the personal representative fails to commence the action, he or she is under a duty to disclose information related to the identity of any beneficiary of a nonprobate transfer made by the decedent. If the representative does not disclose the information, the statute of limitations is tolled until the information is provided. If the personal representative is the beneficiary of the nonprobate transfer, the court may appoint an administrator ad litem to represent the estate in any proceeding.

SARAH MORROW

120102 Prefiled
 010803 S First Read S33
 011303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee S68
 012203 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee
 012703 Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0007

SCS SB 7
SENATE SPONSOR Mathewson

0492S.03P

SCS/SB 7 This act authorizes the state to convey state property in Pettis County. The parcel of property to be conveyed is part of the E.W. Thompson State School. The Department of Elementary and Secondary Education is responsible for setting the terms and conditions of the sale of the property.

JIM ERTLE

120102 Prefiled
 010803 S First Read S33
 011303 Second Read and Referred S Economic Development, Local Government & Tourism Committee S68
 011503 Hearing Conducted S Economic Development, Local Government & Tourism Committee-Consent
 021203 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent (0492S.03C)
 021703 Reported From S Economic Development, Tourism & Local S234

Government Committee to Floor w/SCS-Consent
022603 SCS S adopted
022603 S Third Read and Passed - Consent
022703 H First Read

EFFECTIVE : August 28, 2002

SB 0008

SENATE SPONSOR Goode

0382S.02I

SB 8 - This act creates a senior citizen property tax deferral program. In brief, the system will allow senior citizens to defer payment of their property taxes until death, while securing the deferral with a lien on the real property. A detailed outline follows:

SECTION 135.037 (Definitions): Includes various definitions for use in the act.

"Equity interest" is defined and includes both outstanding secured debts such as a mortgage and accumulated deferred taxes.

"Homestead" is defined to include farm houses and surrounding land up to five acres; the term applies to multi-unit dwellings and permits a the percentage of the building comprising the domicile be considered a homestead; no homestead property may include more than five acres.

The maximum income limit for deferring 100% of property taxes is set at \$32,000.

"Household income" includes all household income for the property (includes children or other relatives income if they live on the property).

SECTION 135.039 (Election of deferral):

A taxpayer may elect to defer property taxes under the act between January 1 and October 15 of any year. The election is made by filing a form with the County Clerk who will forward the form to the Department of Revenue (DOR).

Income level must be below the maximum limit of \$32K.

A guardian or conservator may act for an individual seeking the deferral; a trustee may act as well.

A grievance for a claim denial follows the same procedure as any regular protest with the department of revenue.

SECTION 135.041 (Property requirements): In order to qualify for the program the property must meet the following requirements:

Must be individual's homestead;

Must be owned in fee simple or be in the process of being purchased in fee simple;

No federal law, contract, or deed of trust for the property can contain any prohibition to the deferral or property taxes;

Proof of insurance equal to or exceeding the market value

must be shown and maintained throughout the deferral.

SECTION 135.043 (Form of deferral claim): The Department of Revenue shall provide a form where the applicant will:

- Describe the homestead;
- Recite facts establishing eligibility for the program including income;
- Attach documents required by the DOR for demonstrating eligibility;
- Sign a affidavit attesting that the statements in the claim are true.

SECTION 135.045 (DOR to notify the County Assessor):

- DOR shall notify each County Assessor where a property is situated that qualifies for the deferral.
- The Assessor shall note the deferral in his or her tax book.
- The Assessor shall forward the tax statement to the DOR.
- Interest accrues on the amount advanced to the county at a rate of 6% per annum.

SECTION 135.047 (Lien on deferred property):

- DOR will record a list of tax deferred property in each county.
- DOR will not pay any filing fee in connection with the recording.

SECTION 135.049 (County gets reimbursed): DOR will pay to any county where property is deferred the amount of the deferred taxes minus 2%.

SECTION 135.051 (Notice of eligibility): DOR shall notify each eligible taxpayer before December 15 of the year such taxes are due. The notice will:

- Indicate if the taxes have or have not been deferred;
- Provide the total balance of deferred taxes and interest;
- Inform the taxpayer that a voluntary prepayment may be made at any time.

SECTION 135.053 (Details of the tax lien):

- The tax lien will include estimated deferred taxes for five years plus interest.
- The DOR will file a new estimated lien every five years and update the accrued interest estimate.
- The lien will attach on January 1 of the filing year.
- The priority of the lien shall be equal to that of other tax liens; mortgages and other security interests recorded prior shall maintain priority.
- If the amount of taxes and interest exceeds the estimated lien amount, then the DOR will have a lien for the excess amount as of January 1 of the year the excess occurred. This amount of excess shall be indicated on the notice of lien.

Foreclosure of this lien may be made pursuant to the law relating to foreclosure in civil suits or pursuant to any other

collection methods within the director's power.

If the taxpayer makes voluntary payments they may request that the DOR record a partial satisfaction of the lien.

SECTION 135.059 (Conditions causing payment to come due):
Deferred taxes become payable when:

The last surviving tax deferral claimant dies;
The property is claimed or sold;
The property is no longer the homestead of the claimant(s),
except in the case of absence due to health reasons;
The property is moved out of the state.

SECTION 135.061 (Payment comes due): Whenever any of the events from the prior section occur:

The deferral of taxes for the current year continues;
The amount of deferred taxes and interest shall be due and payable on the date of closing in the case of a sale or on the date of probate in the case of death; in the case of property being removed from the state, the due date shall be five days before the property is removed.

If the amount due is not paid and no extension is granted, then the property shall be subject to foreclosure.

SECTION 135.063 (Non-qualifying surviving spouse continuing deferral):

When a qualifying spouse dies who was participating in the deferral, the surviving spouse who was not eligible at the time of application for the deferral may continue the deferral by filing a claim if the spouse is or will be 60 years old within six month of death and the spouse continues to meet the standard deferral requirements.

A spouse who does not meet the age requirement stated above may continue the deferral of those taxes which have been previously deferred. When such spouse turns 62, such spouse may elect to defer the previous and the current years' taxes. Thereafter, the spouse's taxes will continue to be deferred under the program.

SECTION 135.065 (Income found to be over maximum limit):

If household income exceeds \$32K then the taxpayer may qualify for the program, but the amount that may be deferred will be reduced by 50 cents for each dollar of income above \$32K. If household income exceeds \$64K, no deferral will be permitted.

DOR shall notify the owners of a homestead that meets the income requirements pursuant to the above provision.

If a taxpayer in the program does not file a return, the taxpayer will be given 30 days notice before refusing to defer taxes for the next tax year.

If upon audit a taxpayer's household income is found to be in excess of \$32K, then the DOR shall determine the amount that should not have been deferred and pursue that amount as if it were an income tax deficiency.

If upon audit a taxpayer's household income is found to be

less than the limitation in the first provision of this section, the DOR shall determine the amount that should have been deferred and treat it as an income tax refund.

SECTION 135.066 (Deferral of tax increases): Any taxpayer(s) who has a household income of up to \$64K may defer the amount of property tax that has increased since the year following their 62nd birthday.

SECTION 135.067 (Payment of deferred taxes):

Payments are made to the DOR.

Payments may be made by the taxpayer or spouse, next of kin, heir at law or child of the taxpayer or by any person claiming legal or equitable interest in the property; no person other than the taxpayer may pay if the taxpayer objects within 30 days.

Any payment is applied against interest first.

If a taxpayer in the deferral program chooses to pay any or all of their current year tax bill, the payment will be applied to the principal of the deferred taxes first, rather than the interest as required for a regular prepayment.

When the lien and interest are paid in full, the DOR will record a satisfaction of deferred property tax lien in the county where the property is situated.

SECTION 135.073 (County to reimburse DOR upon foreclosure):

If the property is foreclosed upon the County Treasurer shall pay the DOR from the combined tax collections account the amount of deferred taxes and interest which were not collected by the DOR; immediately thereafter, the County Treasurer shall notify the tax collector of the amount paid to the Director for the property which has been deeded to the county. The amount paid by the county to the DOR will not exceed the amount collected by the foreclosure, minus reasonable expenses incurred by the county from the foreclosure process.

SECTION 135.075 (Extension of deferral to heirs): When the taxpayer(s) who originally claimed the deferral dies the DOR may extend the deferral of previously deferred taxes up to five years where:

The property becomes the homestead of an individual or individuals by inheritance or devise;

The individual or individuals commence occupancy of the property as their principal residence by February 15th after the year of death; and

The individual or individuals file an application with the DOR by February 15th after the year of death.

The extension shall terminate if the property is sold or removed from the state, or if none of the heirs or devisees use the property as a principal residence.

The DOR may require a bond for this extension.

The deferred taxed on extension shall continue to accrue interest.

Upon the death a taxpayer who has deferred property taxes, the spouse heir or devisees shall notify the DOR in writing within

sixty days.

SECTION 135.077 (No intent to interfere with certain other securities):

Nothing in this act is intended to:

Prevent the collection, by foreclosure, of property taxes which become a lien against tax deferred property;

Defer payment of special assessments to benefitted property which assessments do not appear on the assessment and tax roll;

Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes.

SECTION 135.079 (Conflicting contract language after enactment): Once this act is enacted it shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of this deferral. Any such clause shall be void.

SECTION 135.083 (Senior Property Tax Deferral Revolving Account):

A revolving account shall be established for making payments to county tax collectors and the DOR.

The account funds shall be advanced annually to the DOR.

The account may contain a reserve for administrative expenses.

All sums received by the DOR as repayments of deferred property taxes shall be credited to the account, subject to appropriations.

If the amount in the account is insufficient, an appropriation may be made from the general revenue (GR) account; once revenue is sufficient in the account the DOR shall repay the GR account; repaid money is not part of TSR.

If there are insufficient funds in the GR account to provide funding to the revolving account, the Commissioner of Administration may issue revenue bonds.

REVENUE BONDS - DEFINITIONS: "commissioner", "revenue bonds", and "revolving account" are defined for simplicity.

REVENUE BONDS - ISSUING BONDS: The commissioner may issue bonds not in excess of the necessary funding required to maintain the revolving account. The net revenues and income of the revolving account shall be pledged to the payment of the bonds and shall maintain an interest sinking fund in an amount adequate to pay such bonds, a reserve fund, and a depreciation fund.

REVENUE BONDS - NOT STATE DEBT: The bonds issued under this act shall not be a debt of this state.

REVENUE BONDS - TERMS OF BONDS:

Bonds shall not bear more than 15% interest and shall not mature over more than 40 years.

Serial bonds may be issued with or without the right to call

them for payment before maturity or a covenant of a premium for such call.

Term bonds shall contain a reservation of the right to call them for payment prior to maturity with or without payment of a premium.

The bonds will be sold for the best price attainable not less than 98% of par value; any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice.

The bonds shall be MO tax exempt.

REVENUE BONDS - REFUNDING OF BONDS: The revenue bonds may be refunded when:

Such bonds have come due and there are not sufficient funds in the interest and sinking fund to pay such bonds and interest;

Such bonds are by their terms callable for payment and redemption in advance of their date of maturity and are duly called for payment and redemption; and

Such bonds are voluntarily surrendered by the holder for exchange for refunding bonds.

The commissioner may issue refunding bonds in the amount sufficient to payoff and redeem the bonds to be refunded, under the same terms for the revenue bonds.

REVENUE BONDS - FORM OF BONDS: The commissioner shall determine the form details and incidents of the bonds, within the requirements of this act. The holders of such bonds may compel the commission by civil action at law or equity to perform the duties required by this act concerning the revenue bonds.

JEFF CRAVER

120102	Prefiled	
010803	S First Read	S33
011303	Second Read and Referred S Ways & Means Committee	S68
012803	Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2003

SB 0009

SENATE SPONSOR Goode

0215S.03I

SB 9 - This act revises the law regarding seat belt usage and child restraint systems.

USE OF CHILD PASSENGER RESTRAINT SYSTEM/BOOSTER SEAT - This act requires children less than 4 years old, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use an appropriate child passenger restraint system. The act requires children 4 years of age through 6 years of age or who

weigh 40 pounds to 65 pounds, or are less than 4 feet, 9 inches tall, to be secured in a child passenger restraint system or a child booster seat. Children 6 years of age or older, or children who are at least 65 pounds, must use a safety belt.

WAIVER OF PENALTY - A person may escape the \$25 penalty by demonstrating that the person obtained a child safety seat prior to or at his or her hearing which is satisfactory to the court or the party responsible for prosecuting the violator's citation.

RENTAL AGENCIES - This act requires car rental agencies doing business in Missouri to inform customers of the requirements of Section 210.104 and to provide an appropriate child passenger safety restraint system for rental.

SEAT BELT REQUIREMENTS - If there are more persons than there are seat belts in the car, then the passengers must sit in the area behind the front seat unless the vehicle is designed only for a front-seated area.

This act has an effective date of January 1, 2004.

This act is substantially similar to SB 647 (2002) and SB 549 (2001).

STEPHEN WITTE

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Transportation Committee

S68

022503 Hearing Conducted S Transportation Committee

EFFECTIVE : January 1, 2004

SB 0010

SCS SB 10

SENATE SPONSOR Goode

0416S.01I

SCS/SB 10 - This act would prohibit persons from sending unsolicited commercial electronic mail to persons on a list maintained by the Attorney General. Certain entities are exempted from the term "unsolicited commercial electronic mail". The list would be maintained in the same manner as the current "No-Call" list.

The Attorney General is charged with the duty of creating a database whereby citizens who object to receiving unsolicited electronic mail can register. Persons who initiate electronic transmissions, whether unsolicited or not, which solicit the purchase of, rental of, or investment in property, goods or services must clearly state in the subject line their identity and as the first four letters of the subject line must have

"ADV:".

The Attorney General may prosecute violations. Persons may be liable for civil penalties of up to \$5,000 per violation as well as sanctions for unlawful merchandising practices. An email service provider shall not be liable due to the fact that they are an intermediary between the sender and recipient or that they provide transmission of the unsolicited commercial email over the providers computer network or facilities.

The Attorney General enforcement section shall become effective July 1, 2004.

This act contains a termination date of July 1, 2009.
CINDY KADLEC

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Commerce & the Environment S68
Committee
012103 Hearing Conducted S Commerce & the Environment
Committee
022503 SCS Voted Do Pass S Commerce & the Environment
Committee (0416S.05C)

EFFECTIVE : August 28, 2003

SB 0011

SCS SB 11

SENATE SPONSOR Kinder

0345S.02C

SCS/SB 11 - This act creates a state and local sales tax holiday for items of clothing (costing no more than \$100 each), school supplies (costing no more than \$50 per purchase) and personal computers (costing no more than \$2000 each) sold during a three-day weekend in August. Individual political subdivisions may, by ordinance, opt their local sales taxes out of the holiday exemption. A joint legislative committee is created to study and review the effect of the sales tax holiday and to report their findings and recommendations to the General Assembly by January 8, 2005.

The act has an emergency clause and a sunset date of July 1, 2005.

This act is similar to SB 894 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S33

011303 Second Read and Referred S Ways & Means Committee S68
 012103 Hearing Conducted S Ways & Means Committee
 013003 SCS Voted Do Pass S Ways & Means Committee 0345S.02C
 013003 Reported From S Ways & Means Committee to Floor w/SCS S159
 021303 Bill Placed on Informal Calendar
 030303 S Inf Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0012

SENATE SPONSOR Kinder

0406S.01I

SB 12 - This act requires that the compelling state interest test be imposed on all government laws and ordinances that might infringe upon one's exercise of religion. Nothing in the act shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law.

The act is identical to SB 958 (2002) and SB 261 (2001).
 SARAH MORROW

120102 Prefiled
 010803 S First Read S33
 011303 Second Read and Referred S Pensions & General Laws S68
 Committee
 012803 Hearing Conducted S Pensions & General Laws Committee
 020403 Voted Do Pass S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0013

SS SB 13

SENATE SPONSOR Kinder

0300S.05P

SS/SB 13 - This act provides that the design, marketing, manufacture, distribution or sale of firearms or ammunition is not an abnormally dangerous activity and does not constitute a public nuisance. The act prohibits political subdivisions, as well as the state from instituting a lawsuit against any firearms or ammunition manufacturer relating to design, marketing, manufacture, distribution or sale to the public. The act allows actions regarding breach of contract or warranty for firearms or ammunition purchased by a state or political subdivision.

This act is similar to SB 1027 (2002).
 SARAH MORROW

120102 Prefiled

010803	S First Read	S33
011303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S68
012203	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
012703	Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	
013003	Reported From S Judiciary and Civil & Criminal Jurisprudence Committee to Floor	S157
021303	Bill Placed on Informal Calendar	S222
022503	SS S offered (Kinder) (0300S.05F)	
022503	SA 1 to SS S offered & defeated (Jacob)	
022503	SA 2 to SS S offered & defeated (Dougherty)	
022503	SA 3 to SS S offered & ruled out of order (Bland)	
022503	SS S adopted	
022503	Perfected	
022603	Reported Truly Perfected S Rules Committee	
022703	S Third Read and Passed	
022703	H First Read	

EFFECTIVE : August 28, 2002

SB 0014

SENATE SPONSOR DePasco

0318S.01P

SB 14 This act revises the maximum base compensation that can be offered to certain categories of Kansas City police personnel including the following:

1. Lieutenant colonels: from the current maximum of \$99,660 to the new maximum of \$106,764;
2. Majors: from the current \$85,848 to \$97,404;
3. Captains: from the current \$81,744 to \$88,860;
4. Sergeants: from the current \$66,972 to \$71,748; and
5. Detectives and Police Officers: from the current \$59,412 to \$63,648.

JIM ERTLE

120102	Prefiled	
010803	S First Read	S33
011303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S68
011503	Hearing Conducted S Economic Development, Tourism & Local Government Committee	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S201
021703	S Third Read and Passed - Consent	S235
021803	H First Read	

021903 H Second Read

H380

EFFECTIVE : August 28, 2002

SB 0015

SB 15

SENATE SPONSOR Childers

0163S.01I

SB 15 This act establishes a Legislative Academy within the Division of Legislative Research. The Academy is designed to educate members of the General Assembly about the organization and operation of state government, appropriations and various other aspects of the legislative and executive branches, as well as the state constitution. The session of the Academy may be conducted during the interim of each biennium following the first regular session of each General Assembly. Participants are eligible for per diem and expense allowances comparable to session rates. For Senate members attending the Academy, two weeks will be devoted to Senate procedural rules and related matters.

The Academy also would assume responsibility for coordinating the Freshman Orientation mandated by Section 21.183, RSMo. Currently, the tours for incoming legislators are scheduled by the Appropriations Chairs of the respective chambers.

Finally, the act establishes an Advisory Committee to the Legislative Academy comprised of nine former legislators chosen by the Speaker and President Pro Tem. Duties of the Committee will primarily focus upon programming for Academy curriculum. The provisions establishing the Legislative Academy shall expire on December 31, 2007.

This act is similar to SB 672 (2002).

JIM ERTLE

120102	Prefiled	
010803	S First Read	S33-34
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S127
012903	Hearing Conducted S Economic Development, Tourism & Local Government Committee	
012903	Voted Do Pass S Economic Development, Tourism and Local Government Committee	
013003	Reported From S Economic Development, Tourism & Local Government Committee to Floor	S157
020503	Perfected	
020603	Reported Truly Perfected S Rules Committee to Floor	S187
021003	Referred S Governmental Accountability & Fiscal Oversight Committee	S205

021203 Hearing Conducted S Governmental Accountability and
Fiscal Oversight Committee
021203 Voted Do Pass S Governmental Accountability and
Fiscal Oversight Committee
021203 Reported From S Governmental Accountability and S217
Fiscal Oversight Committee to Floor
021303 S Third Read and Passed S222
021303 H First Read H344

EFFECTIVE : August 28, 2002
TERM DATE : Dec. 31, 2007

SB 0016

SCS SB 16

SENATE SPONSOR Childers

0234S.01I

SCS/SB 16 - This act provides that in any county which becomes a first classification county after September 1, 2000, one percent of all ad valorem taxes allocable to the county and each taxing authority in the county shall be deducted from taxes collected on the first five hundred million dollars of assessed valuation. The one-percent fee will be assigned among the political subdivisions. Beyond the five hundred million dollars of assessed valuation the amount of the deduction shall be one half of one percent, consistent with the current law.

JEFF CRAVER

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Economic Development, S68
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee
022603 SCS Voted Do Pass S Economic Development, Tourism, &
Local Government Committee-Consent (0234S.02C)

EFFECTIVE : August 28, 2002

SB 0017

SENATE SPONSOR Childers

0206S.01I

SB 17 - This act modifies funding for fire protection. The Fire Safety Fund is created and will consist of any moneys remaining in the Fire Education Fund. The fund will be invested by the state treasurer in a manner provided by law. The Fire Safety Fund will receive annual transfers of .5% of the amount of premium taxes collected. The Fire Safety Fund will be divided such that 40% of the money will go to the fire department grants fund and 20% of the money will be spent on fire education

programs. The remaining funds will be used at the discretion of the Missouri Fire Safety Commission and will be used to fund the five fire consultants. No more than 5% of the fund may be used for administrative purposes.

The Fire Safety Commission is created. The members will include the State Fire Marshall, the State Forester and five members appointed by the Governor with the advice and consent to the Senate. No more than half of the members shall be from a single political party and no more than one member shall be from a single Congressional district. A maximum of five FTE fire consultants will be employed by the Division of Fire Safety and work in regions across the state as determined by the Commission. The fire consultants will work with local fire departments to improve fire protection. Funding for the fire consultants will come from the Fire Safety Fund.

The Fire Safety Grants Fund is established and will consist of 40% of the transfers made to the Fire Safety Fund. Grants may be made from this account to fund requests for fire departments, associations or districts serving an area with a population of less than 10,000. The Fire Safety Commission shall administer the grant program and is authorized to promulgate rules to implement the grant program.

STEVE WITTE

120102	Prefiled	
010803	S First Read	S34
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S127
021203	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021903	Voted Do Pass S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0018

SCS SB 18

SENATE SPONSOR Yeckel

0448S.08C

SCS/SB 18 - This act allows an income tax deduction of up to \$8,000 per taxpayer for annual contributions made to qualified savings programs and any similar I.R.C. section 529 plan authorized by this state or any other state or political subdivision. Currently, the income tax deduction is only available for contributions made to the Missouri Higher Education Savings Program.

This act creates the "Missouri Higher Education Deposit Program." This program is a nonexclusive alternative to the

Missouri Higher Education Savings Program and participants may elect to participate in both programs subject to aggregate program limitations. The program is administered by the Missouri Higher Education Deposit Program Board which shall consist of the Director of the Division of Finance, who shall serve as chair, the Commissioner of the Department of Higher Education, the Commissioner of the Office of Administration and private citizen representatives with experience in the areas of deposit rate determination and placement of certificates of deposit. Private citizen members shall serve four year terms. Members of the Board shall be subject to conflict of interest provisions for public employees. The Board is required to meet at least quarterly.

The Board is granted certain powers to develop and implement the program, including the power to enter into agreements with financial entities for the operation of the deposit program, provided that such entity is a private for-profit or not-for-profit entity, and the power to enter into participation agreements with participants in the program. The Board may invest the funds received from participants in appropriate investment instruments held by depository institutions or directly deposit the funds in such institutions. The investment of funds may be delegated by the Board to representatives of financial entities, but the investment must be in certificates of deposit and other deposits in federally insured depository institutions. Such representatives must pass a board-approved qualification test and be certified by the Board.

The Board is responsible for establishing various deposit opportunities based on amounts deposited and time held that are uniformly available to all depository institutions that participate in the program. The various categories of fixed or variable rates shall be the only interest rates available under this program.

The Board is authorized to enter into agreements with participants on behalf of beneficiaries. The agreement must include certain terms and conditions, including the method for calculating the return on the contribution, the risks associated with the investment, the maximum amount that may be contributed annually, and an understanding that the agreement does not guarantee admittance to any eligible educational institution. The Board shall establish the maximum annual amount that may be contributed by a participant and the minimum length of time that contributions and earnings must be held by the program. Early withdrawals shall be subject to a penalty.

Contributions and earnings in the program may be used for qualified educational expenses. Participants may cancel a participation agreement at will. The Board shall impose a maximum 10% penalty of the earnings of the account for any distribution not used for certain purposes. The State Auditor

shall, semi-annually, review the financial status and investment policy of the program as well as the participation rate and continued viability of the program. Money accruing to and deposited in individual deposit accounts shall not be part of "total state revenues" as defined by the Missouri Constitution. Personally identifiable information regarding participants and beneficiaries shall be confidential.

JIM ERTL

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S68
012703	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
013003	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee (0448S.08C)	
013003	Reported From S Financial & Gov. Organizations, Vet. Affairs & Elections Committee to Floor w/SCS	S157
020403	Bill Placed on Informal Calendar	S170
020603	SA 1 to SCS S offered & defeated (Jacob)	S182
020603	SA 2 to SCS S offered & adopted (Bray)	S182-184
020603	SA 3 to SCS S offered & defeated (Kennedy)	S184
020603	Bill Placed on Informal Calendar	S184
022403	SS for SCS S offered (Mathewson) (0448S.10F)	S294
022403	SA 1 to SS for SCS S offered & adopted (Quick)	S294
022403	SA 2 to SS for SCS S offered & defeated (Goode)	S294-295
022403	Bill Placed on Informal Calendar	S295
030303	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2003

SB 0019

SENATE SPONSOR Yeckel

0466S.01I

SB 19 - This act allows a tax deduction to those who contribute to medical savings accounts. It provides that any person who is eligible for a federal tax deduction for contributions made to medical savings accounts will also be allowed a state tax deduction. Eligible persons, however, may not take both a federal and a state tax deduction for such contributions. The maximum deduction allowed is \$2,000 per individual and \$5,000 per household and there is no limit on the number of participating policies in Missouri. The Department of Revenue will administer the program.

This act is substantially similar to SB 778 (2002).
JEFF CRAVER

120102 Prefiled
 010803 S First Read S34
 011303 Second Read and Referred S Ways & Means Committee S68
 012103 Hearing Scheduled But Not Heard S Ways & Means Comm.
 012803 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0020

SCS SB 20

SENATE SPONSOR Yeckel

0440S.02I

SCS/SB 20 - This act exempts transfers of certain property by the Bi-State Metropolitan Development District and the Kansas City Area Transportation District Authority from real and personal property taxes and state and local sales and use taxes.

This act is similar to SB 1203 (2002).

This act contains an emergency clause.

JEFF CRAVER

120102 Prefiled
 010803 S First Read S34
 011303 Second Read and Referred S Ways & Means Committee S68
 012803 Hearing Conducted S Ways & Means Committee
 021803 SCS Voted Do Pass S Ways & Means Committee(0440S.03C)

EFFECTIVE : Emergency Clause

SB 0021

SENATE SPONSOR Bland

0154S.04I

SB 21 - This act makes several revisions to the criminal justice system.

This act provides that by September 1, 2003, the P.O.S.T. program incorporate into their training programs a standard protocol for interviewing witnesses when the identity of the suspect is unknown and for composing and conducting photo and line-up identifications. This act provides extensive instructions on conducting a lineup, photo identification and other procedures.

This act requires a jury instruction be developed that considers that the clarity and detail of the initial description of the perpetrator and the speed of recognition at the initial nonsuspect witness are the most reliable indicators of trustworthiness of an identification. However, it is for the

finder of fact to determine the reliability of the identification. No violation of eyewitness protocol shall be the basis to exclude the testimony, but may warrant a jury instruction.

The act provides that if a "jail-house snitch" witnessed an incriminating admission by a defendant while incarcerated, such testimony shall be considered unreliable and inadmissible unless the witness signs a written statement answering a number of questions. The witness will be registered with the MULES system or with the Office of Prosecution Services that he or she testified as a "jail-house snitch" witness.

The act creates a Laboratory Oversight Committee which will provide independent review of state laboratory operations and analysis. The Committee shall have the authority to appoint an ombudsman, issue reprimands and probations and establish rules for laboratory personnel. A fee of \$1.00 shall be assessed on each felony and non-traffic misdemeanor to be allocated to the Committee.

The act abolishes the rule of negative inferences as it pertains to criminal cases, and allows evidence as to whether tests were conducted which could include or exclude a defendant as the perpetrator.

This act also allows every defendant convicted of a felony may make a motion before the trial court for testing DNA on the defendant and other evidence used in the trial. The defendant shall present a prima face case that identity was a contested issue in the trial.

This act is similar to SB 1252 (2002).
SARAH MORROW

120102 Prefiled	
010803 S First Read	S34
011303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S68

EFFECTIVE : August 28, 2003

SB 0022

SENATE SPONSOR Bland

0151S.01I

SB 22 - This act creates a nine-member commission to study all aspects of the death penalty as administered in Missouri. The act requires the commission to hold public hearings and review all charges of first or second degree murder or voluntary manslaughter which were filed during or after 1977. Findings and

recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2005. The commission shall recommend any proposed modifications to Missouri laws necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which period shall be from August 28, 2003, to January 1, 2005.

The act is identical to SB 731 (2002).
SARAH MORROW

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S68

EFFECTIVE : August 28, 2003

SB 0023

SENATE SPONSOR Bland

0150S.01I

SB 23 - This act establishes the "Missouri Universal Health Assurance Program" (Program). The Program is a publicly-financed, statewide insurance program that will provide comprehensive health care coverage for Missouri residents.

The Director of the Department of Health will divide the population of the state into six regional districts, with an advisory council of seven private citizens established for each district. The advisory councils will assist the Board in development of a comprehensive state health care plan and will develop a transportation plan for indigent, elderly, and disabled clients.

The Program will be administered by a nineteen member Board of Governors, ten of which will be appointed by the Governor. The Directors of the Departments of Social Services, Health, and Mental Health will be ex-officio members and the Board shall include a representation of minority and disabled individuals. The Board will be responsible for implementing the Program, monitoring expenditures, adopting rules, employing staff, and studying the means of incorporating institutional long-term care benefits into the Program. An annual report will be required after conducting investigations and utilization reviews.

An annual comprehensive state health care plan should be established by the Board and should include a budget, an evaluation of district health care needs, and goals for various parts of the Program. Prior to establishment, the Board should appoint advisory subcommittees of health care research and ethics experts and public hearings should be held. The resulting comprehensive health care plan should seek to secure the most cost-effective health care.

The Board shall establish the "Missouri Health Care Trust Fund" which will be used for all aspects of Program operation. Revenues held in the trust fund are not subject to appropriation or allotment by the State or any political subdivision of the State. Various accounts will be created within the trust fund for specific purposes.

Every person who is a resident of Missouri, regardless of preexisting conditions, will be eligible to receive benefits for covered services under the Program. Persons who are not residents, but who are employed in Missouri will be eligible for benefits if a health premium surcharge is paid. Certain services, as listed, will not be covered under this Program.

The Program shall pay the expenses of institutional providers of health care and each provider shall negotiate an annual budget with the Program to cover anticipated expenses. The Program will reimburse independent providers of health care on a fee for service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the Program. Sections 354.750 to 354.816 of this act will become effective April 1 of the year following the award of a waiver by the Department of Health and Human Services.

Every employer or self-employed person within the State will pay a health premium surcharge to the Department of Revenue based on the number of employees it has. A health premium surcharge, in addition to the state income tax, will be imposed on residents' gross income. An employer may agree to pay all or part of an employee's surcharge.

No later than thirty days after the effective date of this act, the Department of Social Services shall apply to the United States Secretary of Health and Human Services for all health care program waivers that would enable the state to deposit federal funds into the Missouri Health Care Trust Fund created in Section 354.771. The Department should also identify other federal fund sources. Under the same time frame, the Governor shall appoint Board members.

The Board shall request that the Program be made available to federal employees and retirees while they are residents of Missouri.

For five consecutive tax years after approval of the Program, any employer who has twenty-five or less employees will be allowed a tax credit against the new tax due in incremental amounts.

Certain sections of this act have a conditional effective date and the entire act will be submitted to the voters of the state for approval or rejection in November, 2004.

This act is identical to SB 762 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Small Business, Insurance S68
and Industrial Relations Committee
021903 Hearing Scheduled But Not Heard S Small Business,
Insurance & Industrial Relations Committee

EFFECTIVE : Contingent

SB 0024

SCS SB 24

SENATE SPONSOR Steelman

0494S.03C

SCS/SB 24 - This act modifies the investigation and reporting of abuse and neglect for in-home services to the elderly.

New language adds definitions for "home health agency," "home health agency employee," and "home health patient." The definition of "eligible adult" is broadened to include any person sixty years of age or older who is unable to protect his or her own interests or is unable to meet his or her essential human needs (Section 660.250).

Section 660.252 provides that all Medicaid agreements between in-home service providers and the Department must include training in abuse and neglect identification, prevention, and reporting. This will be included in the initial training requirement.

Section 660.260 requires the Department to initiate a prompt investigation of reports received. Within 24 hours, the Department must investigate reports that indicate a clear danger to the client.

When the Department of Social Services is investigating whether an eligible adult is in serious physical danger and in need of protective services, referrals for protective intervention and oversight will be provided to clients served by

the Department of Mental Health (Section 660.260).

Section 660.300 lists the mandatory reporters of abuse or neglect of in-home services clients. New language includes nurse practitioners, physician's assistant, in-home services providers, employees of area agencies on aging (AAA) or organized AAA programs, funeral directors, and embalmers.

If a physician makes an initial report, then the Department must maintain contact with the physician regarding the investigation. When a report of abuse or neglect of an in-home services client is received, the client's case manager must investigate and immediately report the results to the Department nurse. The Department may allow the provider's nurse to assist the case manager (Section 660.300).

Section 660.300 requires local area agencies on aging to provide volunteer training to all mandated reporters regarding the detection and report of abuse and neglect.

Section 660.300 allows administrative penalties of up to \$1,000 per violation for the in-home services provider if an employee is found guilty of a violation and the provider did not report the abuse to the Department. Providers may seek administrative review of the decision and may appeal to the circuit court. Violation is defined as a determination of guilt by a court. The Department must establish a quality assurance and supervision process. The process must require random visits to verify compliance and the accuracy of records.

An in-home services provider will be guilty of a class A misdemeanor for knowingly employing a person who refuses to register with the Family Care Safety Registry or who is listed on any of the background check lists in the Registry (Section 660.300).

Once a client is assessed for level of care, the Department must conduct a "Safe At Home" evaluation. The evaluation tool should be developed by rule. The plan of service for each client should be authorized by a nurse and the in-home services provider nurse may conduct the assessment, if authorized by the Department. Other departments may be consulted on a case-by-case basis. Nurse visits shall be at least twice a year. The Department may also refer any client to a mental health professional, if necessary. All clients will be advised of their rights at the initial evaluation, including the right to call the Department for any reason (Section 660.300).

Section 660.302 requires the Department to refer all suspected cases of elder abuse to law enforcement to jointly determine when protective services are needed. Both groups must require training regarding the handling of elder abuse cases and must develop a checklist for investigations.

The Department shall establish a telephone check-in pilot project that requires a check-in system for in-home employees to document the time spent in the clients' homes. Workers will "clock in" when they arrive and "clock out" when they leave. The state will track the results of the project. The Department shall also follow a "true-up" procedure to accurately and appropriately remedy any over-billings or under-billings. The Department is given rule-making authority to implement this program (Section 1).

This act repeals Section 660.058, RSMo, pertaining to budget allotments, service contracts, and performance measures for the area agencies on aging.

This act is similar to SB 684 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Aging, Families and
Mental & Public Health Committee
012203 Hearing Conducted S Aging, Families and Mental &
Public Health Committee
021903 SCS Voted Do Pass S Aging, Families and Mental &
Public Health Committee (0494S.03C)
022003 Reported From S Aging, Families and Mental & Public S279
Health Committee to Floor w/SCS
030303 004 S Calendar S Bills for Perfection w/SCS

EFFECTIVE : August 28, 2003

SB 0025

SENATE SPONSOR Steelman

0489S.01I

SB 25 - This act revises the appeals process for appeals of environmental issues. Appeals of environmental issues would be conducted by the Administrative Hearing Commission (AHC). The Commission is expanded from three to four members with one member having an interest in and knowledge of environmental issues.

A petition for hearing before the AHC must be filed within 30 days. All findings, orders, decisions and assessments must have language notifying the parties of their rights to appeal for a hearing before the AHC. Matters heard by the AHC will be governed by the provisions of Chapter 536, RSMo. These matters

shall take precedence over all other matters heard by the AHC. Decisions shall be rendered within 60 days of the completion of the hearing. All decisions of the AHC shall be subject to judicial review.

In all matters heard by the AHC pursuant to this act, the burden of proof shall be on the applicant on the appeal of a denial of a request for a permit, license or registration and the burden of proof shall be on the challenger or petitioner on the appeal of a granting of a request.

The effective date of this act is January 1, 2004.

This act is substantially similar to SS/SCS/SB 881 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Commerce & the Environment S68
Committee
012803 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : January 1, 2004

SB 0026

SENATE SPONSOR Steelman

0493S.01I

SB 26 - This act authorizes a tax credit for individual taxpayers for 25% of the unreimbursed cost of qualified health-care insurance premiums.

This act is similar to SB 734 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Ways & Means Committee S68
012803 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0027

SENATE SPONSOR Gibbons

0484S.01I

SB 27 - This act creates the Missouri Individual Income Flat Tax Act. The act creates a flat tax on individual income of natural persons at a rate of four percent. The act also replaces

most additions and subtractions from Missouri adjusted gross income with a larger personal deduction of \$10,000 per taxpayer (\$20,000 for a combined return, \$15,000 for a head of household return and \$20,000 for a surviving spouse return). The act provides both non-resident and partnership allocation and computation of Missouri individual income tax liability.

This act is similar to SB 1153 (2002).
JEFF CRAVER

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Ways & Means Committee	S68
012803	Hearing Cancelled S Ways & Means Committee	
020403	Hearing Cancelled S Ways & Means Committee	
021803	Hearing Conducted S Ways & Means Committee	

EFFECTIVE : January 1, 2004

SB 0028

SENATE SPONSOR Gross

0487S.01I

SB 28 - This act provides that the revenue estimate upon which the Governor's budget is based shall be the lesser of the revenue estimate as prepared under current law or the actual amount spent for the most recently completed fiscal year as modified by:

1. An increase of one percent; and
2. Any increase of state spending that has been approved by the voters.

This act is similar to HB 2231 (2002).
JIM ERTLE

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee	S68
012703	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
020303	Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee	

EFFECTIVE : August 28, 2003

SB 0029

SCS SB 29

SENATE SPONSOR Gross

0346S.02P

SCS/SB 29 This act provides that the time limits provided for candidate withdrawals from elections cannot be altered, set aside nor ignored by any court within this state. The intent of the Legislature is that there shall be no reason for these limits to not be enforced.

JIM ERTLE

120102 Prefiled

010803 S First Read S34

011303 Second Read and Referred S Financial & Governmental S68
Organization, Veterans' Affairs & Elections Committee012703 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee021303 SCS Voted Do Pass S Financial & Gov't Org., Veterans'
Affairs & Elections Committee-Consent (0346S.02C)021703 Reported From S Financial & Governmental Organization S233
Veterans' Affairs & Elections to Floor w/SCS-Consent

022403 SCS S adopted S292-293

022403 S Third Read and Passed - Consent S293

022503 H First Read

022603 H Second Read

022703 Referred H Elections Committee

EFFECTIVE : August 28, 2003

SB 0030

SS SCS SB 30

SENATE SPONSOR Gross

0038S.11P

SS/SCS/SB 30 - This act creates the Alert Missouri System. The Department of Public Safety (DPS) shall develop a system whereby the state will be divided into regions who shall provide a coordinated effort between local law enforcement agencies and local media within the region to aid in the identification and location of abducted persons. If a local entity does not have an alert system in place, DPS will notify local media in their region, who by prearranged plan will issue an alert.

The Alert Missouri System shall include all state agencies capable of providing information to the public which at a minimum shall include the Department of Public Safety, Highway Patrol, Department of Transportation, Department of Health and Senior Services, and Missouri Lottery.

The Department of Public Safety will have authority to notify other regions upon the verification that the criteria

established by the Alert Missouri System Oversight Committee has been met. Participation in a Alert Missouri System is entirely at the option of the local law enforcement agency and media.

The act establishes an Oversight Committee who will be responsible for the development of criteria and procedures for the Alert Missouri system. The Oversight Committee will be housed in the Department of Public Safety.

The Alert Missouri System Oversight Committee will be chaired by the Director of Public Safety. Seven members will be appointed by the Governor with advice and consent of the Senate and will serve staggered four year terms. The Oversight Committee will also include a representative of the Highway Patrol and a representative of the Department of Health and Senior Services. The seven members appointed by the Governor shall include the following representatives: two from the Missouri Sheriff's Association; two from the Missouri Police Chief's Association; one large market radio broadcaster; one small market radio broadcaster; one television broadcaster; and one representative from each Alert Missouri region. Members shall not be compensated except for actual and necessary expenses.

CINDY KADLEC

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Pensions & General Laws Committee	S68
012103	Hearing Conducted S Pensions & General Laws Committee	
013003	SCS Voted Do Pass S Pensions & General Laws Committee (0038S.08C)	
013003	Reported From S Pensions & General Laws Committee to Floor w/SCS	S157
020303	SA 1 to SCS S offered & adopted (Griesheimer)	S162
020303	Placed on Informal Calendar	S162
020503	SS for SCS S offered & adopted (Caskey) (0038S.11F)	S175-176
020503	Perfected	S176
020603	Reported Truly Perfected S Rules Committee	S187
021303	S Third Read and Passed	S221-222
021303	H First Read	H344

EFFECTIVE : August 28, 2003

SB 0031

SENATE SPONSOR Foster

0425S.01I

SB 31 - This act allows a school district to suspend a student who has been convicted of a felony criminal violation or has been charged with, or adjudicated to have committed a violent

felony criminal violation, regardless of whether that student is prosecuted as an adult or as a juvenile.

Further, this act changes provisions in the Safe Schools Act by expanding the list of offenses for which a pupil may be prohibited from participating in regular programs of instruction to include any felony offense pursuant to Chapter 566, RSMo (sexual offenses) and Chapter 567, RSMo (prostitution).

This act is identical to SCS/SBs 937 & 936 (2002).
DONALD THALHUBER

120102	Prefiled	
010803	S First Read	S34
011303	Second Read and Referred S Education Committee	S68
012103	Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2003

SB 0032

SENATE SPONSOR Foster

0433S.01I

SB 32 - This act limits the people who may complain of alleged prevailing wage violations to either agents/officers of the contracting public body or employees of the contractor/subcontractor. Payments may not be withheld until the alleged violation has been investigated and confirmed by the department.

RICHARD MOORE

120102	Prefiled	
010803	S First Read	S34-35
011303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S68

EFFECTIVE : August 28, 2003

SB 0033

SENATE SPONSOR Loudon

0397S.01I

SB 33 - This act establishes the "Open Contracting Act" which prohibits public agencies from imposing certain labor requirements as conditions for performing public works.

Public entities procuring products or services or entering into contracts for manufacture of public works shall ensure that their agreements do not bind the other parties to such agreement

to labor organizations. Public entities shall not discriminate against such parties who refuse to adhere to agreements with labor organizations. Public entities shall not require such parties to make their employees join or pay dues or fees to a labor organization in excess of costs already paid.

Public entities shall not issue grants or contract for construction projects requiring another party's employees join, become affiliated with, or pay more money to a labor organization. Such entities may exercise authority, as required, to prevent such action by a grant recipient or party to a contract.

Any interested party has standing to challenge agreements that violate these provisions.

This act is identical to SB 1091 (2002).
RICHARD MOORE

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S68
011503	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
012203	Voted Do Pass S Small Business, Insurance and Industrial Relations Committee	
013003	Reported From S Small Business, Insurance and Industrial Relations Committee to Floor	S157
021203	SS S offered (Loudon) (0397S.03F)	S217
021203	Bill Placed on Informal Calendar	S217
030303	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2003

SB 0034

SENATE SPONSOR Loudon

0389S.01I

SB 34 - This act imposes civil liability on any person violating Missouri's informed consent law for abortions. Currently, Section 188.028, RSMo, requires informed consent of a minor or her parent or guardian before an abortion may be performed. New language imposes civil liability on any person who knowingly violates this section by enabling a minor to obtain an abortion without the required consent.

This act is identical to SB 1257 (2002).
LORIE TOWE

120102 Prefiled
 010803 S First Read S35
 011303 Second Read and Referred S Judiciary & Civil & S68
 Criminal Jurisprudence Committee
 012203 Hearing Conducted S Judiciary & Civil & Criminal
 Jurisprudence Committee
 012703 Voted Do Pass S Judiciary and Civil and Criminal
 Jurisprudence Committee
 022003 Reported From S Judiciary and Civil and Criminal S279
 Jurisprudence Committee to Floor
 030303 001 S Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

 SB 0035

SENATE SPONSOR Loudon

0404S.01I

SB 35 This act provides for the Joint Committee on Wagering and Gaming to solicit competitive bids from state universities for a comprehensive study of pathological or problem gambling in this state. After bidding is closed, the Committee shall choose the best and lowest bid based on the academic and professional qualifications of the research team and the ability of the team to deliver the best data.

The study must focus on a review of existing policies regarding the prevention and treatment of pathological and problem gambling and formulate changes to these policies. The study must include information on the economic impact of pathological or serious problem gambling on the state and political subdivisions; how much money an individual pathological gambler costs society each year; the relationship between crime and gambling; the economic impact of gambling on other businesses; the demographics of pathological gamblers; and the costs and effectiveness of state and federal gambling regulatory policy.

The study director shall hold hearings, administer oaths, take testimony, receive evidence and subpoena witnesses and production of documents. The act directs the University to complete the study and file a report by January 31, 2006, and requires the general assembly to appropriate up to \$200,000 for the study.

This act is similar to SB 1176 (2002).

JIM ERTLE

120102 Prefiled
 010803 S First Read S35
 013003 Second Read and Referred S Education Committee S158

022503 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0036

SCS SB 36

SENATE SPONSOR Klindt

0424S.08C

SCS/SB 36 - This act requires substantive regulations promulgated by the Department of Natural Resources, Hazardous Waste Management Commission, State Soil and Water Districts Commission, Petroleum Storage Tank Insurance Fund Board, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, and Clean Water Commission to be based upon a risk assessment and cost-benefit analysis.

The risk assessment and the cost-benefit analysis are separated and contain specific components which are covered in the act and must be developed using scientifically objective and unbiased standards. The assessments and analyses must be made available to the public via posting on the DNR website and DNR must allow for and respond to comments from the public. The department is required to post all comments, both positive and negative. The assessment, analysis, testimony and comments must be considered by the Department or the commission in promulgating the regulation. The failure of the Department to conduct the risk assessment and the cost-benefit analysis will be considered grounds for vacating the regulation. The risk assessment is also required to be filed with the Joint Committee on Administrative Rules at the time the proposed rules are filed pursuant to Section 536.024, RSMo.

A provision is included to allow for the promulgation of regulations without conducting a risk assessment and a cost-benefit analysis if the director believes that the action is immediately necessary to protect the public health and welfare. However, the Director must justify these actions in writing and the Department would then have the responsibility to complete the risk assessment and cost-benefit analysis within 45 days.

In proceedings challenging rules promulgated by the referenced agencies, the burden of proof shifts to the department or commission promulgating the rule to prove that the rule is necessary to prevent specific circumstances of conditions causing harm to human health or the environment.

This act removes the ability of third parties not directly involved to challenge decisions of the Director of the Department of Natural Resources.

The act requires the referenced boards and commissions to state specific reasons for denials of permits. Prohibits

"regulating" within permits. Allows applicant to request correction if there are drafting errors before submitting to public.

This act is similar to SCS/SB 971 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Agriculture, Conservation, S68
Parks & Natural Resources Committee
011603 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee
012303 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee-Continued
020603 SCS Voted Do Pass S Agriculture, Conservation, Parks
& Natural Resources Committee (0424S.08C)
020603 Reported From S Agriculture, Conservation, Parks & S186
Natural Resources Committee to Floor w/SCS
021303 Bill Placed on Informal Calendar S222
030303 S Inf Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0037

SENATE SPONSOR Klindt

0421S.01I

SB 37 - The act would enact the provisions of the Uniform Electronic Transactions Act which would make electronic transactions as enforceable as traditional paper transactions if the parties agree to transact electronically. There are some exceptions for documents which must still be executed manually including laws governing the creation of execution of wills, codicils or testamentary trust and other certain provisions of the Uniform Commercial Code.

This act also repeals the current Missouri Digital Signatures Act contained in Sections 28.600 through 28.678, RSMo.

This act is similar to HB 254 (2003).
CINDY KADLEC

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Pensions & General Laws S68
Committee
020403 Hearing Conducted S Pensions & General Laws Committee
021803 Voted Do Pass S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0038

SENATE SPONSOR Klindt

0445S.01I

SCS/SB 38 - This act creates the "Missouri Biomass Technology Commission". The Commission shall have seven members. The Commission is responsible for:

- 1) Collecting data for the development and use of alternative energy as a source of electricity;
- 2) Evaluating existing incentive programs that promote the development and use of alternative energy;
- 3) Creating new incentives and programs to promote alternative energy use; and
- 4) Making recommendations to the Legislature on program developments and uses for alternative energy.

The commission will develop a comprehensive guide to alternative energy development, production and use. This guide will be submitted to the Legislature.

This act expires on June 30, 2005.

This act is similar to SB 973 (2002).

SARAH MORROW

120102 Prefiled

010803 S First Read

S35

011303 Second Read and Referred S Agriculture, Conservation, S68
Parks and Natural Resources Committee020603 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee022703 SCS Voted Do Pass S Agriculture, Conservation, Parks
& Natural Resources Committee (0445S.04C)

EFFECTIVE : August 28, 2003

SB 0039

SENATE SPONSOR Cauthorn

0072S.01I

SB 39 - This act creates the "Missouri Sheriff's Methamphetamine Relief Team" (MoSMART) housed in the Department of Public Safety. This team consists of five sheriffs who will serve a two-year term and elect a chairman.

The MoSMART Fund is created and is available on an application basis to law enforcement entities and task forces. Applications are evaluated based upon the level of funding designated for methamphetamine enforcement before 1997 and upon

current need and circumstances.
SARAH MORROW

SCA 1 - REMOVES THE WORD "APPROPRIATIONS" FROM MONEYS THAT ARE
TO BE CREDITED TO THE MOSMART FUND

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Judiciary & Civil & S68
Criminal Jurisprudence Committee
021003 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee
022403 Voted Do Pass(w/SCA 1) S Judiciary & Civil & Criminal
Jurisprudence Committee (0072S01.01S)

EFFECTIVE : August 28, 2003

SB 0040
SCS SBs 299 & 40
SENATE SPONSOR Cauthorn

0073S.01I

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Governmental S68
Accountability and Fiscal Oversight Committee
012703 Hearing Conducted S Governmental Accountability and
Fiscal Oversight Committee
020303 Bill Combined SCS SBs 299 & 40 S Governmental
Accountability & Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0041
SENATE SPONSOR Cauthorn

0074S.02I

SB 41 - This act defines a Rural School District as any school district which contains any part of either a third or fourth class county, has a current assessed valuation which is less than thirty million dollars, and has a current membership which is less than or equal to six hundred pupils.

This act creates a program of signing bonuses for newly-hired teachers in rural school districts. An annual signing bonus of \$2000 will be given for a period of up to five consecutive years, provided the teacher is employed in the current year with a rural school district in a full-time teaching position.

A "newly-hired teacher" must be employed by the district as a full time teacher for the first time in the current school year, beginning no later than February first. Neither a substitute teacher nor any teacher who has been a "newly-hired teacher" in a previous school year is eligible to be a "newly-hired teacher".

The signing bonus shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the signing bonus shall receive any pay and benefits received by teachers of similar training, experience, and duties. The signing bonus shall be provided no later than one month following the commencement of employment as a newly-hired teacher.

This act is similar to SB 697 (2002).
DONALD THALHUBER

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Education Committee	S68
012103	Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2003

SB 0042

SENATE SPONSOR Dougherty

0438S.02I

SB 42 - This act modifies various provisions related to elder abuse.

All Medicaid participation agreements must include a requirement for abuse and neglect training (Section 187.085).

The Department must provide certain long-term care information over its website (Section 187.107).

The Department and law enforcement must share resources for training and develop a checklist to guide personnel during elder abuse investigations (Section 187.111).

The Department must promptly refer all cases of suspected abuse to the appropriate law enforcement agency (Section 187.113).

The term "medical assistance" is redefined as any federal health care program. The term "health care provider" is also clarified as one paid to provide services (Section 191.900).

With approval of the court, the Attorney General has

authority to investigate violations of §191.900, 191.910, and 198.070 (Section 191.910).

A license will be issued to an applicant that has previously operated facilities, that has a satisfactory compliance history, and that has not had a licensed denied or revoked based on lack of financial capacity (Section 198.022).

The Department may direct a noncompliant facility to take corrective actions related to staffing (Section 198.026).

Every residential care facility I or II, intermediate care facility, or skilled nursing facility must meet or exceed federal requirements for posting deficiencies (Section 198.030).

The use of unsubstantiated inspection reports by insurance carriers for the purpose of underwriting is prohibited (Section 198.032).

The Department may revoke a license if a facility fails to comply with class I standards on two occasions within a twenty-four month period (Section 198.036).

When issuing a decision, the Administrative Hearing Commission must consider conditions as they existed at the time of violation (Section 198.039).

In-home provider agencies must be given administrative appeal rights (Section 198.041).

A skilled nursing facility with private pay residents can receive Medicaid reimbursement if a private pay resident becomes Medicaid eligible without satisfying certificate of need requirements (Section 198.046).

Nurse practitioners, physician's assistants, and facility owners are required to report suspected abuse or neglect of facility residents (Section 198.070).

The pathway to safety law for Alzheimer's residents in residential care facilities is modified (Section 198.073).

Long-term care facilities and residential care facilities I and II must provide immunizations for influenza and pneumonia annually or upon admission. Written consent must be obtained from the resident and the resident's physician. The Department must develop rules for documenting compliance, including the documentation of residents who refuse the immunization. The Department may not impose a violation on a facility for not making an immunization available if a shortage exists (Section 198.074).

The Departments of Health and Senior Services, Social Services, Mental Health, and Elementary and Secondary Education must collaborate on assessment procedures for long-term care services (Section 198.080).

Skilled or intermediate care nursing assistants must complete training within one hundred and twenty days of employment. Training programs can be offered at the facility, provided there has not been a class I violation within twenty-four months. The Department must approve all training (Section 198.082).

Class I standards are divided into three violation categories: class I death violations, class I harm violations, and class I risk violations (Section 198.085).

Residents may file written complaints regarding the deprivation of rights or estates within two years of the alleged violation (Section 198.093).

Nursing home districts are not prohibited from establishing and maintaining senior housing within their corporate limits (Section 198.345).

Facility inspections are required twice per year, unless otherwise provided pursuant to Section 198.526. If a facility is without any class I violations during an eighteen-month period, the facility will be inspected annually for as long as the zero class I violation record is maintained (Section 198.525).

The frequency of inspections will be reduced to once a year, provided that during an eighteen-month period the facility had no class I deficiencies or class II violations and had no substantiated complaints or changes in ownership in the preceding year. Any employee of the Department that discloses an inspection time to a facility will be immediately terminated and guilty of a Class A misdemeanor. The Department has the authority to inspect any facility at any time (Section 198.526).

The Department will monitor the aging-in-place pilot programs and report to the General Assembly by January 1, 2008. The Department will base new licensure categories on the effectiveness of the pilot programs (Section 198.531).

The Department of Health and Senior Services shall promptly report incidents of suspected elder abuse to the appropriate prosecutor and law enforcement (Section 565.186).

The list of mandatory reporters has been expanded and these individuals are required to report suspected abuse and neglect of any person sixty years or older that is unable to protect his or her interests or unable to meet essential human needs (Section

565.188).

Long-term care facilities, mental health facilities, and the Department of Mental Health may disclose information and records relating to suspected elder abuse to the Department of Health and Senior Services (Sections 630.140 and 630.167).

The term "eligible adult" is clarified as a person sixty years of age or older who is unable to protect his or her own interests or is unable to meet his or her essential human needs (Section 660.250).

During an investigation, the Department must provide a referral to the Department of Mental Health for protective intervention and oversight, if necessary (Section 660.260).

Certain reports compiled pursuant to Section 660.250 to Section 660.295 will be available without a court order (Section 660.263).

The Department is allowed to petition the court to enjoin interference with an investigation (Section 660.270).

The list of mandatory reporters, that are required to report suspected abuse and neglect of in-home services clients, has been expanded (Section 660.300).

Penalty provisions are clarified (Section 198.067).

Section 198.088 was modified to be gender-neutral.

Section 197.367 is repealed.

This act is similar to the CCS for SBs 670 & 684 (2002).
LORIE TOWE

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Aging, Families and Mental and Public Health Committee	S68

EFFECTIVE : August 28, 2003

SB 0043

SENATE SPONSOR Dougherty

0488S.01I

SB 43 - This act creates the "Office of State Ombudsman for Children's Protection and Services" within the Department of Social Services. The purpose of the office is to assure that children receive adequate protection and care from services and programs offered by the Department of Social Services.

This act also creates the "Task Force on Children's Justice" within the Department of Social Services. The purpose of the Task Force is to benefit and enhance children's lives by recommending improvement of child abuse and neglect laws, policies, and programs and to provide funding for these recommendations.

SARAH MORROW

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Aging, Families and Mental and Public Health Committee	S68
011403	Hearing Conducted S Aging, Families and Mental and Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0044

SENATE SPONSOR Dougherty

0252S.01I

SB 44 - This act allows employees to take six weeks of paid leave for family or medical reasons. The Family Temporary Disability Insurance Program is created to provide up to six weeks of paid leave for workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child. The Program will apply to all employers within Missouri.

The Program shall be a component of the state's unemployment compensation disability insurance program and will be funded through employee contributions. Employee contributions will be set at a rate determined by the Director of the Division of Employment Security. The rate shall not exceed one and one-half percent or be less than one-tenth percent of the employee's annual wage. The method for computing an individual's weekly benefit amount is identical to the workman's compensation calculation.

The Director of the Division of Employment Security must develop and maintain a program on family temporary disability insurance rights and benefits. Beginning January 1, 2004, the Director will provide to all employers a notice informing workers of their family temporary insurance rights and benefits. Notice must be given to each new employee hired on or after January 1, 2004, and to each employee leaving work on or after July 1, 2004, due to pregnancy, non-occupational sickness or injury, or to care for a family member.

Workers must present a certificate of medical eligibility

from a treating physician or practitioner establishing the sickness, injury, or pregnancy of the employee or the condition of the family member in need of care. The certificates shall include a diagnosis or a detailed statement of symptoms and the expected duration of the condition.

Employees will be eligible for the paid leave on any day in which they are unable to perform their regular work, but will have a seven-day waiting period before receiving benefits. Any employee receiving unemployment compensation, state disability benefits, or that has another family member available to provide care is not eligible for family temporary disability insurance benefits.

Employers may require employees to take up to two weeks of vacation prior to receiving the paid leave. No more than six weeks of family temporary disability insurance benefits will be paid within a twelve-month period. The paid leave must be taken concurrently with the leave available under the federal Family and Medical Leave Act.

Civil liability may be imposed against anyone knowingly presenting, certifying, soliciting, or falsifying information in violation of the requirements set forth in this act.

LORIE TOWE

120102 Prefiled

010803 S First Read

S35

012303 Second Read and Referred S Aging, Families & Mental & S127
Public Health Committee

EFFECTIVE : January 1, 2004

SB 0045

SENATE SPONSOR Kennedy

0180S.01I

SB 45 - This act requires certain elder care facilities to provide immunizations for influenza and pneumonia to residents 65 years of age or older. A new Section 198.074 is created to require long term care facilities, residential care facilities I, and residential care facilities II to give these immunizations annually or upon admission. Written consent must be given by the residents and their physicians. The Department must develop rules for documenting compliance, including documenting those that refuse the immunizations. The Department may not impose a violation on a facility for not making an immunization available if a shortage exists. Information and assistance with immunizations will be provided to clients of adult day care facilities.

This act is similar to SB 1175 (2002).
LORIE TOWE

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Aging, Families and Mental and Public Health Committee	S68
011503	Hearing Conducted S Aging, Families and Mental and Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0046

SENATE SPONSOR Kennedy

0175S.02I

SB 46 - This act will enable a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable.

The act applies to tax years beginning January 1, 2004.

This act is similar to SB 982 (2002).
JEFF CRAVER

120102	Prefiled	
010803	S First Read	S35
011303	Second Read and Referred S Ways & Means Committee	S68

EFFECTIVE : August 28, 2003

SB 0047

SENATE SPONSOR Kennedy

0185S.01I

SB 47 - This act allows St. Louis City to have a lien on property for which it has ordered a mechanic or person to perform for abatement of dangerous property, provided that it has paid the mechanic or person in full within 120 days after completion of the work.

This act is identical to HB 1194 (2002).
RICHARD MOORE

120102 Prefiled
 010803 S First Read S35
 011303 Second Read and Referred S Economic Development, S68
 Tourism & Local Government Committee
 011503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 020503 Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent
 021003 Reported from S Economic Development, Tourism & S201
 Local Government Committee to Floor-Consent
 021303 Removed from S Consent Calendar S227

EFFECTIVE : August 28, 2003

SB 0048

SENATE SPONSOR Coleman

0031S.03I

SB 48 - This act requires all private security guards and security guard firms to be licensed by the Department of Insurance.

This act requires security firms providing patrol, watchman, guard, armored car and bodyguard services to be licensed. A licensee must be at least 18 years old, a citizen of United States, of good moral character, and has not been convicted of a felony. The licensee must also have completed 30 hours of classroom training and passed a written examination approved by the Department. Each applicant must complete an approved, 20 hour firearm training course. Individuals wishing to be security guards must meet the same type of requirements for employment as firms.

A security firm must also be bonded or insured. The act also gives rule making authority to the Department of Insurance.
 SARAH MORROW

120102 Prefiled
 010803 S First Read S35-36
 011303 Second Read and Referred S Small Business, Insurance S69
 and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0049

SENATE SPONSOR Coleman

0087S.01I

SB 49 - This act expands the crime of first degree property damage to include knowingly damaging a motor vehicle while breaking into the vehicle for the purpose of stealing therein, or damaging the vehicle during the act of stealing. Such actions constitute a Class C felony unless it is the second or subsequent such offense, in which case it is a Class B felony.

This act is identical to SB 1181 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent

EFFECTIVE : August 28, 2003

SB 0050

SENATE SPONSOR Coleman

0093S.01P

SB 50 - This act requires an election authority to complete its verification of initiative and referendum petition signatures not later than 30 days from the date the authority receives the petition from the Secretary of State. Currently, the authority must complete the verification within two weeks.

This act is identical to SB 1218 (2002).
JIM ERTL

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Financial & Governmental S69
Organization, Veterans' Affairs & Elections Committee
012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
021303 Voted Do Pass S Financial & Governmental Organ.,
Veterans' Affairs & Elections Committee - Consent
021703 Reported From S Financial & Governmental Organization S233
Veterans' Affairs & Elections to Floor-Consent
022403 S Third Read and Passed - Consent S293
022503 H First Read
022603 H Second Read
022703 Referred H Elections Committee

EFFECTIVE : August 28, 2003

SB 0051

SENATE SPONSOR Shields

0408S.01I

SB 51 - This act renames Missouri Western State College to Missouri Western State University.

This act is similar to HB 1994 (2002) & SB 979 (2002.)
DONALD THALHUBER

120102 Prefiled
010803 S First Read S36
012103 Second Read and Referred S Pensions & General Laws S105
Committee
012803 Hearing Conducted S Pensions & General Laws Committee
020403 Voted Do Pass S Pensions & General Laws Committee
020603 Reported From S Pensions & General Laws Committee to S187
Floor
021303 Bill Placed on Informal Calendar S223
030303 S Inf Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0052

SCS#2 SB 52

SENATE SPONSOR Shields

0328S.02C

SCS#2/SB 52 - Currently, the taxation of non-resident professional athletes and entertainers has a specific distribution schedule, subject to appropriation, which is set to expire in 2008. This act extends the expiration date of the distribution schedule through FY 2016.

The act also specifies that any person, venue, or entity subject to the tax is to be considered an employer under the income tax law and thereby subject to the same penalties, interest and additions to tax for failure to collect the tax.

The act limits collection of the tax on entertainers to apply only where compensation for the entertainer was greater than \$300.

This act is similar to SB 1225 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S45
011303 Second Read and Referred S Ways and Means Committee S117
012803 Hearing Conducted S Ways & Means Committee

020403 SCS Voted Do Pass S Ways & Means Comm. (0328S.02C)
 021003 Reported From S Ways & Means Committee to S203
 Floor w/SCS-Consent
 021303 Removed from S Consent Calendar S228
 022503 Committee Vote Reconsidered
 022503 SCS#2 Voted Do Pass S Ways & Means Committee-Consent
 (0328S.06C)

EFFECTIVE : August 28, 2003

SB 0053

SENATE SPONSOR Shields

0409S.01I

SB 53 - This act renames Missouri Western State College as Missouri Western State University and Missouri Southern State College as Missouri Southern State University-Joplin.

This act is similar to HB 1994 (2002) & SB 979 (2002.)
 DONALD THALHUBER

120102 Prefiled
 010803 S First Read S36
 012103 Second Read and Referred S Pensions & General Laws S105
 Committee
 012303 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0054

SENATE SPONSOR Griesheimer

0299L.01I

SB 54 - This act allows BAR-97 vehicle emissions test for residents in Franklin County to be conducted on a biennial basis. The maximum testing fee is also increased to \$24 from \$10.50.

CINDY KADLEC

120102 Prefiled
 010803 S First Read S36
 011303 Second Read and Referred S Commerce & the Environment S69
 Committee
 012103 Hearing Conducted S Commerce & the Environment
 Committee
 021803 Voted Do Pass S Commerce and the Environment
 Committee-Consent
 022403 Reported From S Commerce and the Environment S291
 Committee to Floor-Consent
 030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0055

SS#2 SCS SB 55

SENATE SPONSOR Nodler

0260S.11P

SS#2/SCS/SB 55 - This act aspires to rename Missouri Southern State College as Missouri Southern State University-Joplin.

SECTION 173.005 - This section articulates that the Coordinating Board for Higher Education may promote and encourage the development of cooperative agreements between Missouri institutions of higher education for the purpose of offering graduate degree programs on campuses of those institutions of higher education which do not otherwise offer graduate degrees. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. The provisions of this section shall not be construed to invalidate the Coordinating Board's authority regarding new program approval.

SECTION 174.020 - This section renames Missouri Southern State College as Missouri Southern State University-Joplin. Additionally, this section specifies that any costs incurred with respect to modifications of the names of state colleges and universities shall not be paid from state funds.

SECTION 174.231 - This section designates Missouri Southern State University-Joplin as a statewide institution of international or global education. The section further asserts that Missouri Southern State University-Joplin shall discontinue, as of July 1, 2008, any and all associate degree programs unless the continuation of such associate degree programs is approved by the Coordinating Board.

SECTION 174.241 - This section eliminates the Board of Regents of Missouri Southern State College.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Southern State University-Joplin or any other public institution of higher education in this state must be approved by the Coordinating Board for Higher Education pursuant to the provisions of to subdivisions (1) or (2) of Subsection 2 of Section 173.005, RSMo.

SECTION 174.450 - This section adds Missouri Southern State University-Joplin to the list of institutions which are charged with a statewide mission and governed by a Board of Governors.

This act contains the provisions of SB 56 (2003).

This act is similar to HB 1994 (2002) & SB 979 (2002).
DONALD THALHUBER

120102	Prefiled	
010803	S First Read	S36
012103	Second Read and Referred S Pensions & General Laws Committee	S105
012803	Hearing Conducted S Pensions & General Laws Committee	
020403	SCS Voted Do Pass S Pensions & General Laws Committee (0260S.04C)	
020603	Reported From S Pensions & General Laws Committee to Floor w/SCS	S187
021303	Bill Placed on Informal Calendar	S223
021703	Bill Placed on Informal Calendar	S243
021803	SS for SCS S offered & withdrawn (Jacob) (0260S.06F)	S251
021803	SA 1 to SCS S offered & adopted (Jacob)	S251
021803	SA 2 to SCS S offered & adopted (Jacob)	S251-255
021803	SA 3 to SCS S offered (Jacob)	S255
021803	Bill Placed on Informal Calendar	S255
021903	SA 3 to SCS S withdrawn	S269
021903	SS#2 for SCS S offered & adopted (Jacob) (0260S.11F)	S269
021903	Perfected	S269
021903	Reported Truly Perfected S Rules Committee	S273
022003	S Third Read and Passed	S280-281
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0056

SCS SB 56

SENATE SPONSOR Nodler

0419S.07C

SCS/SB 56 - This act articulates that the Coordinating Board for Higher Education may promote and encourage the development of cooperative agreements between Missouri institutions of higher education for the purpose of offering graduate degree programs on campuses of those institutions of higher education which do not otherwise offer graduate degrees. Such agreements shall identify the obligations and duties of the parties, including assignment of administrative responsibility. Any diploma awarded for graduate degrees under such a cooperative agreement shall include the names of both institutions inscribed thereon. Any cooperative agreement in place as of August 28, 2003, shall require no further approval from the coordinating board for higher education. Any costs incurred from a cooperative agreement may be paid from state funds allocated to the institution assigned the administrative authority for the program. The provisions of this act shall not be construed to invalidate the coordinating board's authority regarding new program approval.

DONALD THALHUBER

120102 Prefiled
 010803 S First Read S36
 011303 Second Read and Referred S Education Committee S69
 012103 Hearing Conducted S Education Committee
 021103 SCS Voted Do Pass S Education
 Committee-Consent (0419S.07C)
 021703 Reported From S Education Committee to S234
 Floor w/SCS-Consent
 022003 Removed from S Consent Calendar S279

EFFECTIVE : August 28, 2003

SB 0057

SENATE SPONSOR Nodler

0235S.02I

SB 57 - Under this act a candidate for State Senator, State Representative, County Clerk, Circuit Court Judge, Associate Circuit Court Judge, elected municipal offices in cities with a population of more than 100,000 and elected county government offices in counties with a population of more than 100,000 who choose to file their reports with the Missouri Ethics Commission electronically and who file a declaration with the local election authority that the report was filed electronically with the Missouri Ethics Commission would be relieved from separately filing the report with the local election authority.

RICHARD MOORE

120102 Prefiled
 010803 S First Read S36
 011303 Second Read and Referred S Financial & Governmental S69
 Organization, Veterans' Affairs & Elections Committee
 012103 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 022003 Voted Do Pass S Financial & Governmental Organ.,
 Veterans' Affairs & Elections Committee - Consent
 022403 Reported From S Financial & Governmental Organization S290
 Veterans Affairs & Elections Com. to Floor-Consent
 030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0058

SENATE SPONSOR Russell

0191S.01I

SB 58 This act provides that a telecommunications company may charge a customer for Internet access service upon receipt of a signed statement from the customer for such service. The Public Service Commission may promulgate rules to enforce the

act.

This act is identical to SB 770 (2002) and SB 190 (2001).
CINDY KADLEC

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Commerce & the Environment S69
Committee
012103 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0059

SENATE SPONSOR Russell

0210S.01I

SB 59 - This act changes Supreme Court rule 5.29 and allows nonattorney representation before the Administration Hearing Commission and the Division of Labor and Industrial Relations for officers to represent their businesses.

This act is identical to SB 706 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Judiciary & Civil & S69
Criminal Jurisprudence Committee
012703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0060

SENATE SPONSOR Russell

0274S.01I

SCS/SB 60 - This act provides that department and division directors may exempt themselves, supervisors, human resource managers, professional employees, security guards, probationary employees, and others from union membership. It also prohibits payroll deductions for labor organization service fees and further provides that no state employee shall be required to pay any type of fee to a labor organization, nor will be required to join a union in order to be employed.

This act is similar to SCS/SBs 641 & 705 (2002).
RICHARD MOORE

120102 Prefiled
 010803 S First Read S36
 011303 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S69
 011503 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee
 012203 SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee (0274S.03C)

EFFECTIVE : August 28, 2003

 SB 0061

SENATE SPONSOR Caskey

0172S.01I

SB 61 - Under this act no private individual or entity shall:

- (1) Intentionally communicate or otherwise make available to the general public in any manner an individual's Social Security number;
- (2) Print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;
- (3) Require an individual to disclose his or her Social Security number to enter into a commercial transaction;
- (4) Require an individual to transmit his or her Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted;
- (5) Require an individual to use his or her Social Security number to access an Internet Web site;
- (6) Print an individual's Social Security number on any materials that are mailed to the individual.

This act does not apply to the State or any political subdivisions.

This act specifically states that it does not prevent the collection, use, or release of a Social Security number as required by state or federal law.

An effective date of January 1, 2005 was included to allow businesses time to implement this act.

Finally, a penalty provision has been included that subjects any person or entity who violates the provisions of the sections to all available remedies found in Sections 407.010 thru 407.140.
 RICHARD MOORE

120102 Prefiled

010803	S First Read	S36
012303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S127
020303	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : January 1, 2005

SB 0062

SENATE SPONSOR Caskey

0097S.01I

SB 62 - This act allows Cass County to elect a County Surveyor beginning with the general election in 2004 and every four years thereafter.

JIM ERTLE

120102	Prefiled	
010803	S First Read	S36
011403	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S75
011503	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S201
030303	S Consent Calendar (2/10)	

EFFECTIVE : August 28, 2003

SB 0063

SENATE SPONSOR Caskey

0101S.01P

SB 63 - This act provides that a ruling on a petition for termination of parental rights is deemed a final ruling for the purposes of appeal.

This act is identical to SB 743 (2002).

JIM ERTLE

120102	Prefiled	
010803	S First Read	S36
011403	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S75
012203	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
012703	Voted Do Pass S Judiciary and Civil & Criminal	

Jurisprudence Committee - Consent	
021003 Reported From S Judiciary and Civil & Criminal	S206
Jurisprudence Committee to Floor-Consent	
021903 S Third Read and Passed - Consent	S269
022003 H First Read	

EFFECTIVE : August 28, 2003

SB 0064

SENATE SPONSOR Goode

0298S.05I

SB 64 - This act allows counties or St. Louis City to submit a tax to the voters that funds enhanced 911, also referred to as wireless 911 services. The governing body must choose one of two questions to submit to voters: (1) an extension of the wire line tax for 911 services to wireless services at the same rate; or (2) combine the taxes for wired and wireless into a flat tax of \$.50 per line per month.

Twenty percent of the taxes collected on wireless service will be deposited into the 911 Emergency Services Fund which is created. This percentage will be decreased to 10% when at least 60% of the counties with 75% of the population have passed a tax on wireless services. Then the percentage will be eliminated two years after 100% of the counties have passed a tax on wireless services. Moneys in the fund will be used for matching grants for the purpose of implementing a comprehensive statewide 911 system. These grants will be administered by the Office of Administration in consultation with the Department of Public Safety.

Only cities passing the tax will be eligible for grants and may not receive grants for longer than three years or which have an amount exceeding 5% of the total funds available. Grants may be made on a collective basis to counties entering inter-county agreements to provide services.

The act clarifies that taxes generated by either the wired line or wireless line tax may only be used for the provision of emergency telephone services and for no other purpose. The act also authorizes the State Auditor to perform audits to ensure moneys are being used in this manner.

The act expands the scope of the Advisory Committee for 911 Service Oversight to include oversight of implementation of enhanced 911 services. The Advisory Committee is also instructed to advise the Department of Public Safety and the Office of Administration regarding the matching grants from the 911 Emergency Services Fund.

Most provisions of the current statewide enhanced 911 tax

are repealed by the act.
RICHARD MOORE

SCA 1 - PLACES THE COST FOR ADMINISTERING THE PROGRAM ON THE
911 EMERGENCY SERVICES FUND

120102 Prefiled
010803 S First Read S36-37
011403 Second Read and Referred S Economic Development, S75
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee
021903 Voted Do Pass w/SCA 1 S Economic Development, Tourism
& Local Government Committee (0298S05.01S)

EFFECTIVE : August 28, 2003

SB 0065

SENATE SPONSOR Goode

0162S.03I

SB 65 This act makes revisions to the Unmarked Human
Burial Act.

SECTION 194.400 - This act adds definitions for "cemetery",
"funeral director", "family burial ground" and "religious
cemetery" and modifies the definition of "unmarked human burial"
to distinguish an unmarked human burial from a cemetery. The
definition of "cultural items" is modified to allow the state
historic preservation officer to determine, in consultation with
various groups, which items constitute associated and
unassociated funerary objects.

SECTION 194.403 - The Department of Natural Resources is granted
rulemaking authority to carry out the provisions of the unmarked
human burial act.

SECTION 194.407 - Currently, no construction shall be delayed for
more than 30 days after the discovery of an unmarked human burial
or skeletal remains. This act provides that additional delays of
up to 30 days may be allowed if the state historic preservation
officer determines that such additional delays are necessary.
The state historic preservation officer must notify all parties
directly affected by the delay of the additional delay and gives
reasons. Any subsequent delay must not exceed 30 days and must
be accompanied by written notification to the parties that gives
reasons for the delay.

SECTION 194.408 - The act provides that reinterment may be
delayed for more than one year in cases where the direct kin or
descendants of human remains can be identified.

The state historic preservation officer is required to seek approval from the unmarked human burial consultation committee before delaying the reinterment of remains for more than one year. Currently, it is within the discretion of the officer to seek approval from the committee.

After an initial discovery of remains or a burial site, if a person wishes to further disturb the site or remains, then the person must follow all procedures required by the unmarked human burial act and is responsible for the costs of such procedures.

SECTION 194.409 - The act increases the number of annual meetings of the unmarked human burial consultation committee from one to two.

SECTION 194.410 - Civil penalties are created for anyone violating provisions of the Unmarked Human Burial Act. For natural persons, the penalty shall be \$1,000 per violation. For corporations and other entities, the penalty shall be \$10,000 per violation. The civil penalties can be in addition to other criminal penalties authorized by law. All civil penalty moneys collected shall be placed in the Natural Resources Protection Fund and, subject to appropriation, shall be used by the state historic preservation officer to carry out its duties regarding the unmarked human burial act.

This act contains penalty provisions.
JIM ERTL

120102 Prefiled
010803 S First Read S37
012303 Second Read and Referred S Financial & Governmental S127-128
Organization, Veterans' Affairs & Elections Committee
020303 Hearing Cancelled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
021003 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0066

SENATE SPONSOR Goode

0485L.01I

SB 66 - This act creates and defines the following new terms in the Real Property Tax Increment Allocation Redevelopment Act: "high unemployment", "low-fiscal capacity", "moderate income", and "new job".

The act changes criteria used to evaluate primarily retail

redevelopment projects funded by tax increment financing in the City of St. Louis and in St. Louis, Jefferson, Warren, St. Charles, Franklin, Lincoln, St. Francois and Ste. Genevieve counties.

The act requires approved project areas to have high unemployment, low fiscal capacity, and moderate income; to be a redevelopment project of regional significance; to avoid unfair competition with existing businesses; and to meet other criteria showing economic decline. The act also limits the maximum amount of public funding for approved TIF projects to 30% of the total project costs, unless the redevelopment is occurring in certain specified areas.

The act does not allow TIF to be used to develop sites where 25% or more of the area is vacant and has not been previously developed, qualifies as "open space" as defined in Section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except in certain cases.

The act requires an economic feasibility analysis indicating the return on investment of the proposed development and a study verifying that the proposed redevelopment property has not previously been developed through private enterprise. It allows sharing of payments in lieu of taxes among affected political subdivisions. TIF projects must be approved by all affected political subdivisions.

The act also requires the above named counties and the City of St. Louis to create regional tax increment financing review authorities for the purpose of determining whether projects meet the criteria as provided in the act and approving or rejecting the projects.

The act has an effective date of July 1, 2004.
JEFF CRAVER

120102 Prefiled

120402 Bill Withdrawn

S37

EFFECTIVE : July 1, 2004

SB 0067

SENATE SPONSOR Childers

0205S.02I

SB 67 - The State Board of Education shall annually establish, by January first of each school year, a schedule of four to six specific professional development days for the next school year.

The Department of Elementary and Secondary Education shall not sponsor, co-sponsor or fund any professional development activities, workshops, conferences and other work sessions for certificated personnel unless the activities occur on the scheduled professional development days for that school year or on Saturdays, Sundays or any day during the months of June, July or August.

This requirement will be effective for the 2003-2004 school year and each school year thereafter, and shall not apply to activities scheduled for the 2002-2003 school year.

This act is similar to SB 674 (2002).
DON THALHUBER

120102	Prefiled	
010803	S First Read	S37
011403	Second Read and Referred S Education Committee	S75
012103	Hearing Scheduled, Not Heard S Education Committee	

EFFECTIVE : August 28, 2003

SB 0068

SENATE SPONSOR Childers

0405S.01P

SB 68 This act provides that the Director of Revenue may make refunds from the amounts in the trust fund created to hold money generated by a sales tax for an ambulance or fire protection district. Currently, the Director of Revenue may authorize the State Treasurer to make such refunds.

JIM ERTLE

120102	Prefiled	
010803	S First Read	S37
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S128
012903	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S201
021703	S Third Read and Passed - Consent	S235-236
021803	H First Read	

EFFECTIVE : August 28, 2003

SB 0069

SCS SB 69

SENATE SPONSOR Yeckel

0450S.02C

SCS/SB 69 - This act requires state agencies which are proposing rules to consider alternative compliance methods for small businesses and to prepare a small business impact statements.

The act creates the Small Business Regulatory Fairness Board. The Department of Economic Development will provide staff for the Board. The Board shall provide agencies with input regarding proposed rules, consider requests from small business owners for review of agency rules, review agency rules and make recommendations to the agency and general assembly regarding the need for a rule or legislation, conduct hearings and solicit input from regulated small businesses and prepare an annual evaluation report to the Governor.

The Board shall consist of two members appointed by the Governor, one member appointed by the Lieutenant Governor, two members appointed by the House of Representatives, two members appointed by the senate, one member appointed by the speaker of the House and one member appointed by the President Pro Tempore of the Senate.

Small business owners may petition an agency objecting to any rule, and the agency shall forward the petition to the Board and the Joint Committee on Administrative Rules. The agency must determine whether its impact statement or public hearing addressed the actual impact on small business and will submit a written response to the Board. The agency may determine the petition warrants adoption of amended or new rules, or may determine no additional action is necessary. A small business may seek review of the agency's decision by the Board. The Board shall report its findings to the Governor and General Assembly, which may take action as appropriate.

A small business that is adversely affected by a final agency action may seek judicial review of the agency's compliance with the provisions of this act. The period for seeking judicial review shall begin on the date the proposed rule becomes final and shall end a year later.

This act is identical to SB 1205 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

S75

021003 Hearing Conducted S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
022003 SCS Voted Do Pass S Financial & Governmental Organ.,
Veterans' Affairs & Elections Committee (0450S.02C)
022003 Reported From S Financial & Governmental Organization S279
Veterans' Affairs & Elections Com. to Floor w/SCS
022603 Bill Placed on Informal Calendar
030303 S Inf Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0070

SENATE SPONSOR Yeckel

0451S.01I

SB 70 - This act requires informed consent by a woman before the performance of an abortion.

A new Section 188.041 requires a physician to inform the mother of the unborn child of all reasonably foreseeable risks of an abortion. The mother must be allowed sufficient time to consider such information. Prior to an abortion, the mother and physician must certify in writing that such information was discussed. A physician will be civilly liable to the mother and any other person sustaining loss or damages caused by failure to provide such information.

Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This act modifies the penalty for any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within thirty miles of the location at which the abortion is performed.

Section 197.200, RSMo, currently defines medical treatment facility terms. This act modifies the definition of "ambulatory surgical center" to include any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five first trimester abortions per month.

This act is identical to SB 1135 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Aging, Families & Mental & S75
Public Health Committee
021203 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0071

SENATE SPONSOR Yeckel

0452S.01I

SB 71 - This act extends a homestead property tax assessment freeze to all taxpayers' property, except when it changes hands.

This act is identical to SB 1036 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read S37

011403 Second Read and Referred S Ways and Means Committee S75

020403 Hearing Scheduled But Not Heard S Ways & Means Comm.

021103 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0072

SENATE SPONSOR Bland

0130S.01I

SB 72 - This act provides that charter schools shall be subject to the same accreditation standards and accreditation process currently applied to other public schools.

This act is identical to SB 678 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read S37

011403 Second Read and Referred S Education Committee S75

EFFECTIVE : August 28, 2003

SB 0073

SENATE SPONSOR Bland

0152S.01I

SB 73 - This act establishes the Missouri Commission on Prevention and Management of Obesity within the Department of Health and Senior Services. The Commission will exist until August 28, 2005 and will have the following duties:

- (1) Collecting and analyzing data regarding obesity in Missouri;
- (2) Listing programs and services currently available to overweight adults and children;

- (3) Listing the funds available for maintaining these programs and services;
- (4) Examining the economic impact of the failure to treat obesity;
- (5) Identifying cultural, environmental, and socioeconomic barriers related to obesity;
- (6) Providing specific recommendations to increase obesity prevention and management in Missouri.

The Commission must coordinate with various federal and state departments to ensure a comprehensive approach to obesity prevention and management. A report must be submitted to the Governor, House Budget committee, and Senate Appropriations by August 28, 2005.

The Commission, comprised of 22 members, must meet by October 1, 2003, and at least quarterly thereafter. The Director of the Department of Health and Senior Services will serve as chair of the Commission. By January 1, 2004, the Department must establish a resource databank containing information about obesity and related subjects.

In addition, school districts must undertake initiatives to create healthy school nutrition environments, which are defined as those that instruct and encourage students to develop healthy eating and physical activity habits. School districts should include quality school meals based on USDA dietary guidelines, other healthy food options, relaxed eating experiences, nutrition education, and appropriate marketing.

The act contains an emergency clause.

This act is similar to SB 680 (2002)
LORIE TOWE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Aging, Families & Mental & S75
Public Health Committee
021903 Hearing Conducted S Aging, Families & Mental & Public
Health Committee
021903 Voted Do Pass S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0074

SENATE SPONSOR Bland

0146S.01I

SB 74 - This act requires insurance companies to offer

coverage for weight reduction counseling services for persons who are 50 pounds or more overweight and have been diagnosed by a doctor that such excess weight is or will create health problems.

This act is identical to SB 852 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Small Business, Insurance S75
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0075

SCS SB 75

SENATE SPONSOR Steelman

0334S.03C

SCS/SB 75 - This act allows the state registrar to issue a certification of stillbirth to the parent or parents of a stillborn child.

A "stillborn child" is defined as a dead fetus that was the product of human conception of twenty weeks gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, and that was born alive.

The certification of stillbirth form must satisfy the formatting and filing requirements of Section 193.085, RSMo, for live births. The certification must be filed with the local registrar within seven days of the delivery. If the parent or parents of the stillborn child do not wish to provide a name, then any references to the name on the certification will remain blank.

If a stillbirth has not been registered within one year of the date of delivery, then a certification marked "delayed" can be filed and registered along with any other requirements necessary to substantiate the facts surrounding the stillbirth.

A certification of stillbirth may be issued to any individual having a direct and tangible interest in the record. The certification shall include the statement "This is not proof of a live birth".

An individual may file an application for certification of stillbirth for any birth that resulted in stillbirth that occurred prior to August 28, 2003.

LORIE TOWE

120102 Prefiled
 010803 S First Read S37
 011403 Second Read and Referred S Aging, Families & Mental & S75
 Public Health Committee
 012203 Hearing Conducted S Aging, Families, Mental & Public
 Health Committee
 012903 SCS Voted Do Pass S Aging, Families, Mental & Public
 Health Committee-Consent (0334S.03C)
 021003 Reported From S Aging, Families, Mental & Public S203
 Health Committee to Floor w/SCS-Consent
 021303 Removed from S Consent Calendar S228

EFFECTIVE : August 28, 2003

 SB 0076

SENATE SPONSOR Gross

0124S.01I

SB 76 - This act exempts the homestead of persons who are over the age of 65 from increases in assessments for as long as they own the property. It applies only to the owner's principal residence and a married couple is eligible when one is aged 65 or older.

Application is made to the County Clerk and shall be made by June 1 of the year before the exemption is applicable. The Clerk must verify the application and notify affected political subdivisions of the exemption.

The counties shall make a payment in lieu of taxes to compensate for the amount that would otherwise go to the Blind Pension Fund. The State Tax Commission shall estimate the financial impact of this act and the State of Missouri shall hold political subdivisions harmless for any revenue lost as a result of this act. If the General Assembly determines that there is insufficient total state revenue to reimburse the political subdivisions, it may declare that there will no homestead exemption for the following year.

This act is substantially similar to SB 691 (2002). The act has an effective date of 1/1/2004.

JEFF CRAVER

120102 Prefiled
 010803 S First Read S37
 011403 Second Read and Referred S Ways and Means Committee S75
 020403 Hearing Conducted S Ways and Means Committee

EFFECTIVE : January 1, 2004

SB 0077

SENATE SPONSOR Gross

0293S.01I

SB 77 - This act enables a refund of erroneously collected sales tax from the sales of coffins and outer burial containers only if the retailer submitting the request can prove that they have already extended or intend to extend the refund to the original customers.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Ways and Means Committee S75

EFFECTIVE : August 28, 2003

SB 0078

SENATE SPONSOR Gross

0436S.01I

SB 78 - This act allows employees under the Highway and Transportation Employees and Highway Patrol Employees Retirement System to purchase up to four years of creditable service for Highway and Transportation Employees and Highway Patrol Employees Retirement System.

CINDY KADLEC

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Pensions & General Laws Committee S75

012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0079

SENATE SPONSOR Loudon

0396S.01I

SB 79 - This act limits the assessment of real property to a maximum increase of the inflationary rate over a prior year assessment. The reassessment cap only applies to a substantially identical piece of real property which has not changed hands.

This act is identical to SB 955 (2002).
JEFF CRAVER

120102 Prefiled
 010803 S First Read S37
 011403 Second Read and Referred S Ways and Means Committee S75
 012103 Hearing Cancelled S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0080

SENATE SPONSOR Loudon

0378S.01I

SB 80 - This act prohibits reassessment of previously assessed real property and improvements until such time as there is a change in ownership of the property.

This act is similar to SB 844 (2002).
 JEFF CRAVER

120102 Prefiled
 010803 S First Read S37
 011403 Second Read and Referred S Ways and Means Committee S75

EFFECTIVE : August 28, 2003

SB 0081

SENATE SPONSOR Loudon

0393S.01I

SCS/SB 81 - This act expands the definition of "totally unemployed" in the context of employment security to include workers who have been suspended pending a final determination regarding alleged misconduct or employment status.

This act is similar to SB 954 (2002).
 RICHARD MOORE

120102 Prefiled
 010803 S First Read S37-38
 011403 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S75
 012903 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 020503 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (0393S.02C)

EFFECTIVE : August 28, 2003

SB 0082

SENATE SPONSOR Klindt

0447S.01I

SB 82 - This act exempts religious, charitable, and nonprofit organizations from food inspection if the food is sold at a religious or charitable function or activity.

This act is identical to SB 904 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0083

SENATE SPONSOR Cauthorn

0071S.01I

SB 83 - This act allows fees to be collected from weapons licensing and be deposited into a separate interest-bearing fund known as the "County Sheriff's Revolving Fund".

This act sets out the requirements to apply for and obtain a permit to carry a concealed firearm. The permits are issued by the County Sheriff and are valid for a period of three years from the date of issuance or renewal.

This act also authorizes the person to carry a concealed firearm throughout the state with the exception of certain places.
SARAH MORROW

120102 Prefiled

010803 S First Read

S38

012303 Second Read and Referred S Pensions & General Laws Committee

S128

022503 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0084

SCS SB 84

SENATE SPONSOR Cauthorn

0439S.02P

SCS/SB 84 - This act allows contributors to take the tax credits for new generation cooperatives and new generation processing entities on a quarterly basis.

This act clarifies that the premium tax credits permitted in Sections 348.430 and 348.432, RSMo, shall only be subtracted against the general revenue fund and not against the county stock insurance fund.

This act requires that any entity applying these tax credits to quarterly insurance premiums must have acquired the credits at not less than one hundred percent of the value of the tax credit.
SARAH MORROW

120102 Prefiled
010803 S First Read S38
012303 Second Read and Referred S Agriculture, Conservation, S128
Parks and Natural Resources Committee
013003 Hearing Conducted S Agriculture, Conservation, Parks,
and Natural Resources Committee
020603 SCS Voted Do Pass S Agriculture, Conservation, Parks,
and Natural Resources Committee (0439S.02C)
022003 Reported from S Agriculture, Conservation, Parks, S279
and Natural Resources Committee to Floor w/SCS
022603 Bill Placed on Informal Calendar
022703 SA 1 S offered & adopted (Caskey)
022703 SCS, as amended, S adopted
022703 Perfected

EFFECTIVE : August 28, 2003

SB 0085

SENATE SPONSOR Dougherty

0435S.01I

SB 85 - This act requires certain facilities for children to show proof of accreditation and compliance with safety standards. Currently, Section 210.516, RSMo, requires licensure of all residential care facilities, foster homes, and child placing agencies, but exempts other facilities, such as those run by religious organizations.

This act requires religious license-exempt facilities to be accredited either by a nationally recognized organization or by an organization incorporated in Missouri with bylaws and rules adhered to by other facilities. Religious license-exempt facilities must be registered with the Department of Health and Senior Services and comply with sanitation and fire standards established by the state.

This act is similar to SB 724 (2002).

LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Aging, Families & Mental & S75

Public Health Committee

EFFECTIVE : August 28, 2003

SB 0086

SENATE SPONSOR Dougherty

0446S.01I

SB 86 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I or II clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases III or IV only.

This act modifies the mandated prostate examination provision of the law by requiring coverage for bone scans and prostate antibody imaging for a nonsymptomatic man for whom there was an earlier diagnosis and as a guide for appropriate therapy for patients who have an above normal prostate specific antigen.

This act changes the procedure in which parental or guardian consent is noted for the organ donation process of minors. Under current law, parental or guardian consent must be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift. This act states that the consent can be noted on the permit or license; not the application.

This act is similar to SB 822 (2002) and SB 588 (2001).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Small Business, Insurance S75

and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0087

SENATE SPONSOR Dougherty

0257S.01I

SB 87 - This act eliminates the time restrictions for

children with special health care needs under Missouri's Health Insurance Program for Children.

This act defines "special health care needs" as a condition which left untreated would result in the death or serious physical injury of a child. A new Section 208.647 is created providing that any child with special health care needs that does not have access to employer-subsidized health insurance is not required to be without health care coverage for six months prior to eligibility for services. Furthermore, children with special health care needs are not subjected to the thirty-day waiting period following enrollment.

LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Aging, Families & Mental & S75
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0088

SENATE SPONSOR Kennedy

0181S.01I

SB 88 - This act creates the Board of Private Investigator Examiners within the Division of Professional Registration in the Department of Economic Development. The Board will consist of five members appointed by the Governor with the advice and consent of the Senate. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engages as a private investigator for at least five years. Board members will serve staggered terms of four years. The Board of Private Investigator Examiners Fund is also created.

The act makes it unlawful for persons to engage in the private investigator business unless licensed. Employees of not-for-profit organizations who make and process requested for healthcare providers and facilities for employee background screening are exempted from licensure. Application requirements are specified. Licensees must be at least 21, a U.S. citizen, and comply with qualifications set by the Board. Persons must also provide proof of liability insurance of at least \$1 million, proof of workers' compensation insurance within 30 days of licensure.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act grandfathers current private investigators and a license

will be issued to such persons who apply within 180 days if the applicant shows registration and good standing as a business and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications.

Grounds for denial of licensure are specified. The Board shall set the fees for licensure. Licenses must be posted in a conspicuous place in the principal place of business of the licensee. Pocket cards will also be issued to licensees. Licenses shall expire two years after issuance and provisions for renewal are provided.

Licenseses may divulge to the Board, law enforcement officers, or a prosecuting attorney information acquired as to any criminal offense. Licensees are prohibited from: knowingly making a false report; causing a report to be submitted that the licensee has not exercised due diligence in ascertaining the facts; giving the impression that the licensee is connected with the federal or state government or any political subdivision; appearing as an assignee in any proceeding; manufacturing false evidence; or creating a video of any person in their home without that person's permission.

Restrictions on record keeping and advertising are specified. License disciplinary procedures are specified. The Board is given rulemaking authority. The Department of Public Safety shall establish guidelines to permit private investigators to carry concealed firearms which shall not be greater than the POST standards.

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

This act is similar to SB 1187 (2002).
RICHARD MOORE

120102	Prefiled	
010803	S First Read	S38
011403	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S75
012703	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0089

SENATE SPONSOR Kennedy

0190S.01I

SB 89 - This act requires that amateur radio license plates contain the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". Previous plate owners making a new application and paying a new fee to retain an amateur radio plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". If the application is made to retain a plate that is three years old or older, the replacement plate will be issued at no additional charge. If the plate is less than 3 years old, a replacement plate charge will apply.

This act is substantially similar to HB 684 (2001).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Transportation Committee S75

EFFECTIVE : August 28, 2003

SB 0090

SENATE SPONSOR Kennedy

0186S.01I

SB 90 - This act authorizes the Director of the Department of Public Safety to designate ten cities to adopt ordinances authorizing the use of automatic traffic control enforcement system to catch drivers who run red lights on highways or roads within their jurisdiction. If the road is a state highway, the city must enter into an agreement with the Transportation Commission regarding the installation of such a system.

The city must adopt an ordinance to establish the system and may enter into an agreement with a private vendor to establish the system. Any compensation paid to a vendor shall not be based upon a contingency basis or upon revenues generated from the system. The vehicle owner is presumed to be the violator unless the owner makes out an affidavit as to the true operator of the vehicle. The other person specified in the affidavit is then presumed to be the violator. If the vehicle is claimed to have been stolen, the owner must submit a proof that a police report was filed indicating that the vehicle was stolen. No points shall be assessed for a violation of this act. The fine shall not exceed \$50, including court costs. The city must give at least 30 days public notice before officially using the system.

This act has a sunset clause.

This act is similar to SB 1037 (2002) and SB 199 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Transportation Committee S75

EFFECTIVE : August 28, 2003
TERM DATE : August 28, 2008

SB 0091

SENATE SPONSOR Coleman

0250S.01I

SB 91 - This act requires a law enforcement officer, prior to administering the test authorized by Section 577.021, RSMo, to inform the person:

(1) Why the officer is requesting the person to submit to the test;

(2) That the test is admissible to establish probable cause to arrest and as exculpatory evidence, but that the test is not admissible as evidence of a blood alcohol content; and

(3) That if the test establishes probable cause for an arrest, the person will be required to submit to another test authorized by Section 577.020, RSMo, or have his or her license revoked.

STEPHEN WITTE

120102 Prefiled
010803 S First Read S38
012303 Second Read and Referred S Judiciary & Civil & S128
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0092

SENATE SPONSOR Coleman

0426S.02I

SB 92 - This act regulates the prevention and screening of lead poisoning in Missouri.

Real estate brokers and salespersons must be reasonably familiar with Sections 701.300 to 701.348, RSMo, to obtain and renew a license. An educational program will be developed to

outline the duties and responsibilities (Section 339.185).

The act provides the necessary definitions relating to lead poisoning, including "affected property", "chewable surface", and "elevated blood lead" (Section 701.300).

The Advisory Committee on Lead Poisoning Prevention is established with members serving a term of four years. The Governor shall appoint a Director of Lead Poisoning Prevention that will chair the Committee. The Director shall establish a statewide program for the prevention, screening, diagnosis, and treatment of lead poisoning. Public service announcements, information pamphlets, and a training manual to accompany a "Lead-Safe Housing Awareness Seminar" will be produced. The Committee must establish a program for the early detection and screening of children under the age of six for elevated blood lead levels. The Director is responsible for maintaining a comprehensive record of all screenings, which will be indexed geographically and by owner (Section 701.302).

Affected properties must comply with the requirements for either a "lead-free" status or a "lead-safe" status on or before August 28, 2005. However, an owner of five or more affected properties may apply for an extension. An affected property is considered "lead-free" if the property was constructed after 1978 or an inspection report verifies that all interior surfaces are lead-free and all exterior surfaces were restored with a non-lead based paint. An affected property is considered "lead-safe" if the specified treatments listed in this section have been completed. Tenants must receive written notice at least 48 hours prior to any maintenance work and shall allow owners access to the affected property at reasonable times. If the tenant has to vacate the property for longer than 24 hours, the owner will be responsible for any reasonable expenses incurred. An owner of an affected property will not be liable for any damages arising from a tenant's refusal to vacate or allow access. An owner of "lead-free" property, that has lead-based paint on the exterior, must submit certification every 3 years to the Director verifying that the exterior is not chipping, peeling, or flaking (Section 701.310).

Contractors, supervisors, and inspectors must be accredited by the Director with the duration of accreditation lasting three years. The Director shall promulgate a schedule of fees for registration of contractors, supervisors, and inspectors, which will be placed in the Lead Paint Removal Fund and used for accreditation and registration purposes (Section 701.312).

Anyone failing to comply with the provisions of Sections 701.300 to 701.348, RSMo, will be guilty of a Class A misdemeanor. Any civil or criminal action taken by state or local officials pursuant to Sections 701.300 to 701.348 will be reported to the Director. The Director shall issue an annual

report detailing enforcement actions, the identity of owners of affected properties, the nature of the actions, and a description of any civil or criminal penalties (Section 701.321).

Effective August 28, 2005, every person shall have a right to housing that is lead-free or lead-safe. Injunctive relief will be available provided that an owner of affected property receives written notice of the violations and fails to comply with the required standards within 30 days of the filing. Cases brought pursuant to Sections 701.300 to 701.348, RSMo, will be granted an accelerated hearing. Upon a determination by the court, the petitioner will be entitled to damages and attorney's fees (Section 701.325).

Affected property must be registered with the Director of the Department on the appropriate forms. Registration will be renewed every two years but owners must update any changes in registration information within 30 days of the change. All information provided by the owner shall be open to the public. The Director shall promulgate a schedule of fees for the registration of affected properties, which will be placed in the Lead Paint Removal Fund. Any owner of affected property that fails to pay the fees will be civilly liable for triple the cumulative amount of the fees or \$150, whichever is greater. Any unpaid penalty will constitute a lien against the affected property (Section 701.326).

An owner or anyone acting on behalf of the owner may make a qualified offer to an individual provided that the affected property has been certified as "lead-free" or "lead-safe". Qualified offers must be made in writing and delivered by certified mail within 30 days upon receiving notification of an elevated blood level. A qualified offer is considered rejected if an individual does not accept it within 30 days. The acceptance of a qualified offer discharges the owner of any potential civil liability. A qualified offer shall include the payment of all reasonable expenses and costs incurred as specified in this section. Any misrepresentation in the qualified offer may result in criminal penalties (Section 701.330).

The liability insurance of affected properties shall include coverage for bodily injury caused by exposure to lead-based paint. The Department of Insurance shall approve the rates for coverage based on specified standards (Section 701.331).

The "Lead-Safe or Lead-Free Property Revolving Loan Fund" is created and will consist of proceeds received from the sale of bonds, state appropriations, and any donations or gifts. The Committee will issue bonds for the purpose of the maintaining the Fund. Upon the discretion of the Director, these funds shall be used for the purpose of bringing affected properties into

compliance (Section 701.339).

Income tax credits are available to any individual, corporation, or other business entity that removes lead-based paint and repairs affected property. Any tax credit not used in the taxable year of certification may be carried forward and applied to the individual's tax liability for five years (Section 701.341).

LORIE TOWE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Small Business, Insurance S75
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0093

SENATE SPONSOR Shields

0324S.01I

SB 93 - This act exempts all purchases of tangible personal property and all items converted into tangible personal property which are donated to the State of Missouri from state and local sales and use taxes.

This act is identical to HB 1220 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Ways and Means Committee S75
020403 Hearing Conducted S Ways and Means Committee
022503 Voted Do Pass S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0094

SENATE SPONSOR Shields

0327S.01I

SB 94 - This act creates an individual income tax credit of up to \$250 for instructional materials purchased by a teacher used in the course of that teacher's employment. The credit will apply to tax year 2003 and thereafter. The Department of Revenue is authorized to promulgate rules to govern the details of this credit.

This act is similar to HB 1222 (2002).

JEFF CRAVER

120102 Prefiled
 010803 S First Read S38
 011403 Second Read and Referred S Ways and Means Committee S75
 012803 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0095

SENATE SPONSOR Shields

0323S.01I

SB 95 - This act establishes the Small Business Health Insurance Assistance Program to allow small employers a tax credit for costs associated with health insurance premiums paid on behalf of employees. Small employers are those with two to 25 employees who work at least 30 hours per week.

The act also specifies that a farmer's spouse may be considered a second eligible employee if the spouse is hired by the farmer. All eligible small employers will receive a tax credit of 25% of the amount paid annually in premiums for eligible employees. A small employer will receive higher credits for up to four years if the employer does not pay its employees' health insurance premiums on January 1, 2003, and begins to pay for its employees' premiums after that date. The tax credit is conditioned upon receiving appropriations from general revenue or the tobacco settlement to offset the costs of the tax credit to the state. The aggregate amount of tax credits awarded under this act's provisions may not exceed \$10 million.

The act has an expiration date of December 31, 2007.

This act is substantially similar to HB 1219 (2002).

STEPHEN WITTE

120102 Prefiled
 010803 S First Read S38
 011403 Second Read and Referred S Ways and Means Committee S75
 020403 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2003
 TERM DATE : Dec. 31, 2007

SB 0096

SENATE SPONSOR Russell

0273S.01I

SB 96 - This act provides that the Governor or the Commissioner of the Office of Administration shall recognize a collective bargaining unit, upon approval by a majority of the unit's employees.

This act is identical to SB 746 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Small Business, Insurance S75
and Industrial Relations Committee
012203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0097

SENATE SPONSOR Russell

0412S.01I

SB 97 - This act allows corporations to designate an individual who is not an attorney to represent them in any proceeding before the Administrative Hearing Commission or any state agency. Such representation shall not be deemed to be the practice of law.

This act contains a penalty provision.

The act is similar to SB 747 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Financial & Governmental S75
Organization, Veterans' Affairs & Elections Committee
021703 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0098

SENATE SPONSOR Russell

0277S.02I

SB 98 - This act provides that any employee of this state or any public body whose rights have been violated by a labor organization may institute a petition in circuit court for compensatory and punitive damages as well as the employees

reasonable attorney fees and any other relief the court deems appropriate.

Further, any employee of the state or any public body may petition the board of mediation to revoke the certification of any labor organization that violates any provision of this section or fails to adequately and fairly represent the employees of the unit. The Board of Mediation shall have the power to conduct investigations and hearings to address issues raised in the petition. The Board shall adopt rules and regulations to govern the procedures for such hearings and determinations. The Board may assess reasonable attorney fees and costs to any labor organization found to be in violation of the laws of Missouri or abuse its power as majority representative in connection with the proceeding. Any final conclusions by the board of mediation are subject to review.

RICHARD MOORE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Small Business, Insurance S75
and Industrial Relations Committee
012203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0099

SENATE SPONSOR Caskey

0099S.01I

SB 99 - This act requires counties to deposit a percentage of their ad valorem property tax collections (one-half of one percent, not to exceed \$100,000/year) into a county assessment fund to support installation, operation and maintenance of a geographic information system (GIS) as approved by the county governing body, beginning on January 1, 2004.

This act is similar to SB 806 (2002).

JEFF CRAVER

120102 Prefiled
010803 S First Read S38-39
011403 Second Read and Referred S Economic Development, S75
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee
022603 Voted Do Pass S Economic Development, Tourism, &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0100

SCS SBs 248, 100, 118, 233, 247, 341, and 420
SENATE SPONSOR Caskey

0420S.01I

120102 Prefiled
 010803 S First Read S39
 011403 Second Read and Referred S Pensions & General Laws S75
 Committee
 012103 Hearing Conducted S Pensions & General Laws Committee
 Consent
 022503 Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341,
 & 420) S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0101

SENATE SPONSOR Caskey

0415S.01P

SB 101 - This act enables Cass County to establish municipal courts and appoint municipal judges in the same way in which charter counties are enabled to do so under current law. The courts are empowered to prosecute any violations of county ordinances as are the circuit courts. Various provisions and details involving judges qualifications, regular sessions of the courts, divisions of the courts, court procedure, jury trials and jurisdiction are provided in the act, which are identical to the current law regarding charter counties.

JEFF CRAVER

120102 Prefiled
 010803 S First Read S39
 011403 Second Read and Referred S Economic Development, S75
 Tourism and Local Government Committee
 011503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee-Consent
 020503 Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent
 021003 Reported from S Economic Development, Tourism & S202
 Local Government Committee to Floor-Consent
 021703 S Third Read and Passed-Consent S236
 021803 H First Read

EFFECTIVE : August 28, 2003

SB 0102

SENATE SPONSOR Goode

0285S.01I

SB 102 - This act creates the Invasive Species Council. The named members of the Council are the Directors of the Departments of Agriculture, Conservation, Health, Natural Resources and Transportation. The Director of the Department of Conservation shall serve as the first-year Council chair and the other named members shall serve one year terms as Council chair on a rotating basis. Other agencies may be included. The five named agencies shall provide temporary staffing for the Council, and the Council may request appropriations for dedicated staffing.

State agencies whose actions affect invasive species shall attempt to prevent further impacts of invasive species and shall not act in ways that create further impacts of invasive species.

The Council shall oversee implementation of the act, encourage planning, develop recommendations, facilitate sharing of information and create and update an Invasive Species Management Plan.

The Plan shall be issued within 18 months of passage. The Plan shall be a 5-year rolling plan including goals, objectives and measures of success concerning invasive species.

This act is similar to SB 649 (2002) and SB 20 (2001).
CINDY KADLEC

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Agriculture, Conservation, S75
Parks and Natural Resources Committee
022003 Hearing Conducted S Agriculture, Conservation, Parks
and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0103
SCS SBs 361, 103, 156 & 329
SENATE SPONSOR Goode

0193S.01I

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Commerce and Environment S75
Committee
020403 Hearing Conducted S Commerce & Environment Committee
022503 Bill Combined (SCS SBs 361, 103, 156, & 329) S
Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0104

SENATE SPONSOR Goode

0036S.02I

SB 104 - This act increases the fee for the Housing Trust Fund from \$3 to \$5. This act also broadens the types of recordable instruments in which the fee will apply. Under current law, the \$3 fee only applies to certain types of real estate transactions. Under the act, the increased fee would apply to the recording of any instruments, except marriage contracts, certificates of marriage or marriage licenses.
STEPHEN WITTE

120102 Prefiled

010803 S First Read S39

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S128012903 Hearing Conducted S Small Business, Insurance &
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0105

SENATE SPONSOR Bland

0131S.01I

SB 105 - This act lowers the minimum age for jury service from 21 to 18. This act also excuses full-time students not residing within 20 miles of the city or county issuing the jury summons.

This act is similar to SB 763 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read S39

011403 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee S75

EFFECTIVE : August 28, 2003

SB 0106

SENATE SPONSOR Bland

0153S.01I

SB 106 - This act establishes a Planning Commission for the Kansas City Missouri School District (KCMSD). The Commission shall consist of 15 members, including 11 members and 4 ex-

officio members appointed by various specified, interested parties. The Commission shall conduct research, review and evaluation of key issues related to KCMSD and make recommendations for ways that the district may improve education, improve student performance and meet requirements applicable to school districts.

The State Board of Education may adopt an alternative plan whereby an unaccredited school district may return to accredited status, which may take more than two years, provided that the district annually meets all terms and conditions of the plan. The bill creates an Advisory Committee which shall serve as a liaison between the Commission and the community. The Advisory Committee shall seek public input and ideas to help the Commission in its efforts.

This is similar to SB 679 (2002).
DONALD THALHUBER

120102	Prefiled	
010803	S First Read	S39
011403	Second Read and Referred S Education Committee	S75

EFFECTIVE : August 28, 2003

SB 0107

SENATE SPONSOR Bland

0161S.03I

SB 107 - This act creates a statewide AMBER Alert Program. The Department of Public Safety (DPS) shall work in coordination with federal, state, local and media entities to develop a program to locate abducted persons.

A statewide "AMBER Alert Board" is created to aid in the implementation and operation of the Amber Alert Program. The Board shall consist of the coordinator of the Amber Alert Program, the Attorney General and representatives from each of the Amber Alert regions.

The state will be divided into regions and each region is a coordinated effort between federal, state and local law enforcement agencies and local media within the region. In the event that there is credible evidence that an abduction suspect has traveled or is traveling out of one AMBER jurisdiction, DPS will coordinate the activation of other AMBER Alerts in the vicinity where the abductor is thought to be heading.

If a location currently has an existing AMBER program operating as of the effective date of this act, it will be required to be compliant with the statewide program by January 1,

2004. The Department of Public Safety is authorized to make rules for the operation of the Amber Alert system.

An AMBER Alert Coordinator will be designated within the Department of Public Safety to coordinate the efforts among participating entities.

SARAH MORROW

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Pensions & General Laws S75
Committee
012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0108

SENATE SPONSOR Gross

0088S.01P

SB 108 - This act adds the Chief Information Officer as a member of the State Records Commission. The Chief Information Officer is the head of the Office of Information Technology.

This Commission has the duty to determine what records no longer have any administrative, legal, research or historical value and should be disposed of.

This act is identical to SB 690 (2002).

RICHARD MOORE

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Financial & Governmental S75
Organization, Veterans' Affairs & Elections Committee
012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
021303 Voted Do Pass S Financial & Governmental Organ.,
Veterans' Affairs & Elections Committee - Consent
021703 Reported From S Financial & Governmental Organization S233
Veterans' Affairs & Elections to Floor - Consent
022403 S Third Read and Passed - Consent S292
022503 H First Read

EFFECTIVE : August 28, 2003

SB 0109

SENATE SPONSOR Gross

0213S.01I

SB 109 - This act establishes a mechanic's lien for persons who furnish rental equipment used in the course of alteration, construction, or repair of any building, improvement, or land. The mechanic's lien is for the reasonable rental value during the period of actual use of the equipment and any reasonable periods of nonuse of the equipment taken into account in the rental agreement. The act provides that the delivery of equipment to such building, improvement, or land creates a presumption that the equipment was used in the course of alteration, construction, or repair of the building, improvement, or land.

This act provides that a mechanic's lien for rental equipment must be filed within six months after the date in which the equipment was last available for use.

STEPHEN WITTE

120102	Prefiled	
010803	S First Read	S39
011403	Second Read and Referred S Commerce and Environment Committee	S75
012103	Hearing Scheduled, Not Heard S Commerce & Environment Committee	
012803	Hearing Cancelled S Commerce and Environment Committee	

EFFECTIVE : August 28, 2003

SB 0110

SENATE SPONSOR Gross

0090S.01I

SB 110 - This act details information to be included in physician abortion reports.

Section 188.015, RSMo, is modified to include a definition for the Department of Health and Senior Services and language allowing interpretation of the definitions is removed. Currently, Section 188.052, RSMo, requires a physician to submit an abortion report for each abortion performed. New language specifies that the report shall include, but not be limited to, the following:

Information required by federal reports and organizations, such as the Centers for Disease Control and Prevention;
Information regarding the type of procedure used to perform the abortion; and
Specific reasons the woman sought the abortion.

Physician must currently submit an individual complication report for post-abortion care. In addition, the Department is responsible for annually publishing a statistical report. New

language requires the report to include data on abortions or induced and post-abortion care. The report must contain the gestational age by weekly increments at which the abortions were performed. The report must not include any information that would allow the identification of a patient, physician, or hospital or abortion facility.

Currently, Section 188.070, RSMo, provides for a misdemeanor for violation of confidentiality. New language increases the penalty to a Class D felony for any person who knowingly violates the confidentiality of records, reports, or documents maintained by the abortion facility or hospital or received by the Department of Health and Senior Services. A new Section 191.655 is also added to allow an action for breach of medical record confidentiality, if not otherwise provided for. Damages, court costs, attorney's fees, and other relief are allowed for negligent, willful, intentional, or reckless violation of such confidentiality.

This act is identical to SB 816 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Aging, Families & Mental & S75
Public Health Committee
021203 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0111

SENATE SPONSOR Loudon

0386S.01I

SB 111 - This act authorizes courts to set aside criminal convictions and to expunge criminal records under certain circumstances. Current law allows courts to expunge arrest records if there was no probable cause for the arrest, no charges will be filed, and the subject of the arrest has no criminal convictions. This act adds the additional restriction that the subject not have suspended impositions of sentence (SISs) on his record and that there are no pending investigations regarding the arrest. This act also allows expungement, however, based only upon a finding that no criminal charges have been filed against the subject for 10 years after the arrest.

This act contains the Missouri Rehabilitation and Sealed Records Act which authorizes a court to set aside a person's criminal convictions and seal a person's criminal record if such person:

1. Has had no more than 1 felony or 2 misdemeanors;
2. Has not been convicted for 10 consecutive years following service of his or her most recent sentence;
3. Has no convictions for violent felonies or a sex-related offense;
4. Has no A or B felony convictions for a drug-distribution offense;
5. Has no convictions on his or her commercial drivers license (CDL) involving a BAC of .04 or higher; and
6. Is at least 25.

The act criminalizes knowing use or release of records sealed pursuant to the act. Failure to seal or knowingly releasing such records is a Class B misdemeanor and knowing use of the records for financial gain is a Class D felony.

This act is similar to SB 1092 (2002).
SARAH MORROW

120102	Prefiled	
010803	S First Read	S39
011403	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S75
012703	Hearing Cancelled S Judiciary & Civil & Criminal Jurisprudence Committee	
020303	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0112

SCS SB 112
SENATE SPONSOR Loudon

0379S.07C

SCS/SB 112 - This act allows parents to refuse to vaccinate their children for religious, philosophical, or medical reasons.

Section 167.181, RSMo, allows a parent to exempt their school-age child from vaccination by providing a written objection citing religious beliefs, philosophical beliefs, or medical reasons prior to the first day of the child attending school. If the objection is due to medical contraindications, a statement from the child's physician to the school is required. For religious or philosophical reasons, a parent must file a written objection with the superintendent. The Department shall proscribe exemption forms for a parent to file with the superintendent. The SCS allows parents or guardians to object in writing to a vaccination for religious beliefs, philosophical beliefs, and medical reasons prior to the first day the child attends school. Parents or guardians objecting because of religious or philosophical beliefs must file a written objection

with the superintendent on an exemption form proscribed by the Department. Within two weeks of the child attending school, the parent must submit either proof of vaccination or an exemption form attesting that the parent has made an informed decision.

Currently, Section 210.003, RSMo, allows a parent to exempt a daycare-age child from vaccination by providing a written objection citing either medical contraindications or reasons as determined by the Department of Health and Senior Services. This act removes the provision allowing the Department to stipulate the reasons for an exemption and instead permits a parent to exempt a child through written objection only. For the medical exemption, a licensed physician must still certify that the vaccination would endanger the child's health or life. Parents may use either their own exemption forms or the exemption forms provided by the Department.

This act is similar to SB 951 (2002).
LORIE TOWE

120102	Prefiled	
010803	S First Read	S39
011403	Second Read and Referred S Aging, Families & Mental & Public Health Committee	S75
012203	Hearing Conducted S Aging, Families & Mental & Public Health Committee	
013003	SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (0379S.07C)	
013003	Reported From S Aging, Families, Mental & Public Health Committee to Floor w/SCS	S157
021303	Bill Placed on Informal Calendar	S222
030303	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2003

SB 0113

SENATE SPONSOR Loudon

0398S.01I

SB 113 - This act makes it illegal to install fake air bags in automobiles. A person convicted of this offense is guilty of a Class D felony, punishable by a \$5,000 fine, one year in jail or both.

This act is identical to SB 1090 (2002).
STEPHEN WITTE

120102	Prefiled	
010803	S First Read	S39
012303	Second Read and Referred S Judiciary & Civil &	S128

Criminal Jurisprudence Committee
020303 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0114

SENATE SPONSOR Dougherty

0063S.01I

SB 114 - This act broadens the definition of "genetic information" and "genetic testing". Under this act, no insurer may deny coverage to an individual or impose different premium rates on the basis of the individual's genetic information. This act applies to applications for coverage made on or after August 28, 2002. Under this act, an employer may not obtain genetic information of an employee or prospective employee nor shall an employer require the collection of a DNA sample of an employee or prospective employee. This act also broadens the scope of relief for a person harmed by genetic testing to include civil damages.

This act is identical to SB 803 (2002) and SB 412 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Small Business, Insurance S75
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0115

SENATE SPONSOR Dougherty

0061S.01I

SB 115 - This act gives the Department of Health and Senior Services authority to receive and investigate written complaints of indoor air quality made by an employee of a public school. The Department may investigate, determine the origin of the problem and make recommendations on mitigation of the problem.

This act is similar to SB 829 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S39
012303 Second Read and Referred S Aging, Families & Mental & S128
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0116

SENATE SPONSOR Shields

0329S.01I

SB 116 This act prohibits Public Service Commission members from establishing or maintaining a campaign committee that is regulated by the campaign finance disclosure law in Chapter 130, RSMo.

This act is similar to SCS/SB 246 and is identical to HB 1891 (2002).

JIM ERTLE

120102 Prefiled

010803 S First Read S39

011403 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S76

012103 Hearing Conducted S Financial & Governmental Org, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0117

SCS SB 117

SENATE SPONSOR Shields

0321S.03P

SCS/SB 117 - This act modifies the definition of "driveaway operation", to include the transporting of vehicles in transit from one place to another by driveaway or towaway methods. This act provides that driveaway license plates may only be used for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, abandoned, improperly parked or burned vehicles. This act extends the area for land improvement contractors' commercial motor vehicles from 25 miles to 50 miles.

STEPHEN WITTE

120102 Prefiled

010803 S First Read S39-40

011403 Second Read and Referred S Transportation Committee S76

020403 Hearing Conducted S Transportation Committee-Consent

021103 SCS Voted Do Pass S Transportation Committee-Consent (0321S.03C)

021703 Reported From S Transportation Committee to Floor w/SCS - Consent S233

022503 SCS S adopted

022503 S Third Read and Passed - Consent

022603 H First Read

EFFECTIVE : August 28, 2003

SB 0118

SCS SBs 248, 100, 118, 233, 247, 341, & 420
SENATE SPONSOR Shields

0322S.01I

120102 Prefiled

010803 S First Read S40

011403 Second Read and Referred S Pensions & General Laws S76
Committee

012103 Hearing Conducted S Pensions & General Laws Committee

022503 Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341
& 420) S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0119

SENATE SPONSOR Russell

0276S.01I

SB 119 - This act provides that no labor organization which engages in certain political activity on behalf of, or for a candidate for public office may be eligible to be certified or act as the exclusive representative for employees who work directly or indirectly under the public official for whom the labor organizations political activity was directed. Once a labor union is certified as the employees exclusive representative, it shall be required to affirmatively state under oath that it has not been involved in any political campaign for any such public official within the previous two years, and will not during the time it is authorized to act as the employees exclusive representative. If evidence is presented to the board of mediation that the labor organization has violated this prohibition, the board may suspend or revoke the certification of the labor organization to serve as the exclusive representative of the employees.

This act prohibits employees of certain elected officials from soliciting financial contributions or political support or endorsements from labor organizations which the official or anyone in that official's department or in a position subordinate to that official has had responsibility for meeting and conferring pursuant to Section 105.520, or with which said discussions have been held within two years prior to the solicitation, contribution, or endorsement. Any such official shall recuse himself from discussions on behalf of the public body in relation to the activities of the labor organization for a period of two years after the political activity occurred. Further, no employee on behalf of the state may engage in discussions, deliberations, or negotiations with any labor organization if the employee is involved in political activities where the appearance exists that the officer or agent would be

granting favors to the labor organization in return for political favors in connection with the meet and confer process.

RICHARD MOORE

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S76
012203 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0120

SENATE SPONSOR Caskey

0413S.01I

SB 120 - This act enables Cass County to adopt provisions of current law whereby it will be able to deposit an amount not greater than one-fifth of one percent of all ad valorem property tax collections on newly constructed property into the assessment fund of the county for collection costs.

JEFF CRAVER

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Economic Development, Tourism and Local Government Committee S76
011503 Hearing Conducted S Economic Development, Tourism & Local Government Committee
022603 Voted Do Pass S Economic Development, Tourism, & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0121

SENATE SPONSOR Caskey

0414S.01P

SB 121 - This act modifies the current law concerning a county's adoption of planning and zoning prior to becoming a first class county so as to specifically include Cass County. This change will enable Cass County to continue to operate under its existing planning and zoning laws.

JEFF CRAVER

120102 Prefiled
010803 S First Read S40

011403 Second Read and Referred S Economic Development, S76
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent
020503 Voted Do Pass S Economic Development, Tourism &
Local Government Committee-Consent
021003 Reported from S Economic Development, Tourism & S202
Local Government Committee to Floor-Consent
021703 S Third Read and Passed-Consent S236
021803 H First Read

EFFECTIVE : August 28, 2003

SB 0122

SCS SB 122

SENATE SPONSOR Caskey

0164S.03P

SCS/SB 122 - This act provides that the assessor of a third class county may make entries to the assessors book after the May 31st deadline for delivery of the book in the case where real property has changed hands after delivery of the book. The change to the book is limited to noting the new owners and redistributing the assessed valuation to reflect the current ownership status. Any increase to assessed valuation as a result of this provision shall be considered new construction.

The governing body of any third class county must adopt the provisions of this act for the act to take effect in such county.

JEFF CRAVER

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Financial & Governmental S76
Organization, Veterans' Affairs & Elections Committee
012703 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
021303 SCS Voted Do Pass S Financial & Gov't Org., Veterans'
Affairs & Elections Committee-Consent (0164S.03C)
021703 Reported From S Financial & Governmental Organization S233
Veterans' Affairs & Elections to Floor w/SCS-Consent
022403 SCS S adopted S291
022403 S Third Read and Passed - Consent S291
022503 H First Read

EFFECTIVE : August 28, 2003

SB 0123

SENATE SPONSOR Goode

0431S.01I

SB 123 - This act regulates high-cost home loans and establishes certain lender reporting requirements. The act prohibits specific practices with respect to high-cost home loans, including prepayment penalties, issuing high-cost loans stipulating negative amortization, loan flipping, making misleading statements about a residential home loan transaction, and compensating or intimidating appraisers to influence their judgment with regard to the value of the real estate.

ATTORNEY GENERAL'S POWERS - This act deletes a portion of current law which prohibits the Attorney General from moving forward with a unfair practice charge against a company under the supervision of the Department of Insurance, Director of the Division of Credit Unions or the Division of Finance. Under this act, the Attorney General's office will be able to proceed with charges against those companies.

PROHIBITED PREDATORY LENDING PRACTICES - Under this act, no prepayment penalties are allowed with respect to high cost home loans. Lenders are prohibited from engaging in the practice of negative amortization. Lenders are prohibited from engaging in the practice known as loan flipping. Lenders are prohibited from encouraging default on an existing loan in the connection with the closing of a consumer home loan. Lenders must reasonably believe that borrowers can repay the loan based on current and expected income, debt, and other financial resources other than the borrower's equity in his or her home. A borrower shall be presumed to be able to make payments under the loan if the borrower's total monthly debts do not exceed 50% of the borrower's monthly gross income. Lenders may not charge a fee for an unprovided service or misrepresent the amount charged by a third party service. Lenders may not make misleading statements with respect to a residential loan transaction regarding the borrower's ability to qualify. Lenders may not compensate or intimidate an appraiser regarding the value of real estate. Lenders may not finance certain forms of insurance through the home loan or for debt cancellation. High-cost loans in which blanks are left to be filled in after contracts are signed are unenforceable.

CONTRACT LANGUAGE REQUIREMENTS - This act requires the lender to provide a copy of the loan in a different language if the discussions leading to the loan were in a different language.

PROHIBITED HIGH-COST LOAN CONTRACT TERMS AND PRACTICES - High-cost loans may not contain scheduled payments which are more than twice as large as the average of the earlier scheduled payments. High-cost loans can not contain terms which require more than two periodic payments are consolidated and paid in advance from the loan proceeds. High-cost loans can not contain provisions which increase the interest rate after default. High-cost loans may not contain provisions which allow the lender to increase the indebtedness at his or her discretion. Lenders are prohibited

from charging borrowers fees to modify, renew or amend high-cost loans or to defer payments under the terms of the loan. Lenders are prohibited from making high-cost loans without first receiving certification from HUD that the borrower has received loan counseling. High-cost loans may not contain mandatory arbitration clauses. Lenders are prohibited from paying home-improvement contractors from the high-cost loan unless the instrument is both payable to the borrower and contractor, or through a third-party escrow agent.

GOOD FAITH - Lenders who attempt to evade the high-cost loan prohibitions by structuring the loan as an open-ended account transaction or some other transaction are still subject to the act. Lenders acting in good faith who fail to comply with Section 408.719 may evade prosecution if they notify the borrower of the compliance failure and make appropriate restitution.

PENALTIES AND REMEDIES - Lenders who violate this act will be liable to the borrower for actual damages, statutory damages equal to the finance charges in the agreement plus 10% of the amount financed, punitive damages for an intentional or reckless violation of the act, and reasonable attorney fees and costs.

Borrowers may be granted injunctive relief. If the lender intentionally violated this act, the loan is void rendering the lender incapable of collecting on the loan and the borrower may recover any payments under the agreement. The borrower also has the right to rescind the agreement against a party foreclosing on the loan.

UNLAWFUL TRADE PRACTICE - Violations of this act are deemed to be unlawful trade practices and may be prosecuted by the Attorney General's office.

INVESTMENT PROHIBITIONS - Lenders are prohibited from making investments which are backed by loans violating the act.

REPORTING REQUIREMENTS - Lenders which are exempt from federal reporting requirements because of the amount of loans they originated the preceding year are required to report similar information to the Division of Finance. Lenders must report to the Division of Finance the average and median interest rates of mortgage loans they originate grouped by income levels, gender and racial categories. The reporting requirements become effective January 1, 2005.

The rest of the act is effective January 1, 2004. This act is similar to HB 181 (2001).

STEPHEN WITTE

011403 Second Read and Referred S Financial & Governmental S76
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0124

SENATE SPONSOR Goode

0218S.01I

SB 124 - Under current law, if property is traded in on a purchase, purchasers pay sales or use tax only on the excess, if any, of the purchase price of the new item less any trade-in allowance and any applicable rebates. This act authorizes the reduction in the purchase price of an article if the trade-in has been subject to the imposition of sales or use tax or has been exempted or excluded from such tax. The act specifies that a purchaser of a motor vehicle, trailer, boat or outboard motor is only allowed a credit for the trade-in of a similar item.

This act is similar to SB 750 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Ways and Means Committee S76
020403 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0125

SENATE SPONSOR Goode

0304S.04I

SB 125 - This act allows water corporations to file a petition with the Public Service Commission to recover costs associated with certain infrastructure system replacements once per year. The PSC may not approve a charge if it would produce total revenues exceeding 10% of the water corporation's base revenue level or if the water corporation has not had a general rate proceeding in the last three years. Petition filing requirements are specified in the act. The water corporation is required to reconcile the revenues generated with the underlying costs of the infrastructure replacements. The PSC is given authority to promulgate rules for the implementation of these provisions.

CINDY KADLEC

120102 Prefiled
010803 S First Read S40

011403 Second Read and Referred S Commerce and Environment S76
Committee

020403 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0126

SENATE SPONSOR Bland

0140S.01I

SB 126 - This act allows the Public Service Commission to refund ratepayers for unauthorized use charges, penalties and refunds from pipelines after an evidentiary hearing.

This act is identical to SB 1235 (2002).
CINDY KADLEC

120102 Prefiled

010803 S First Read S40

011403 Second Read and Referred S Commerce and Environment S76
Committee

EFFECTIVE : August 28, 2003

SB 0127

SENATE SPONSOR Bland

0141S.01I

SB 127 - This act allows the Public Service Commission to consider the ability to pay as a factor in setting utility rates and may establish programs for low-income residents. The Commission may also require public utilities to provide information on the coordination of other programs and other bill related information.

This act is identical to SB 1234 (2002) and HB 1875 (2002) and similar to SCS/SB 246.
CINDY KADLEC

120102 Prefiled

010803 S First Read S40

011403 Second Read and Referred S Commerce and Environment S76
Committee

021803 Hearing Scheduled But Not Heard S Commerce and
Environment Committee

EFFECTIVE : August 28, 2003

SB 0128

SENATE SPONSOR Bland

0144S.01I

SB 128 - This act allocates the increase in State sales tax revenues resulting from increases in the cost of natural gas in the 2000-2001 heating season to the Utilicare Stabilization Fund. This fund is used to provide heating assistance to those persons unable to pay utility costs.

This act is identical to SB 1042 (2002).
CINDY KADLEC

120102 Prefiled

010803 S First Read

S40

012803 Second Read and Referred S Ways & Means Committee

S143

EFFECTIVE : August 28, 2003

SB 0129

SENATE SPONSOR Gross

0039S.01I

SB 129 - This act prohibits officials of any state agency from using public funds to support ballot measures or a candidate for public office. The act further states that such state officials or employees are permitted to make public appearances or issue press releases concerning a ballot measure.

JIM ERTLE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

S76

EFFECTIVE : August 28, 2003

SB 0130

SCS SB 130

SENATE SPONSOR Gross

0317S.03P

SCS/SB 130 The act authorizes the State to convey state property in St. Charles County along 321 Knaust Road to St. Charles County. The State Commissioner of Administration is responsible for setting the terms and conditions of the sale of the property.

RICHARD MOORE

120102 Prefiled
 010803 S First Read S40
 011403 Second Read and Referred S Economic Development,
 Tourism and Local Government Committee S76
 011503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee-Consent
 020503 SCS Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent (0317S.03C)
 021003 Reported from S Economic Development, Tourism & S202
 Local Government Committee to Floor w/SCS-Consent
 021903 SCS S adopted S263
 021903 S Third Read and Passed - Consent S263
 022003 H First Read

EFFECTIVE : August 28, 2003

SB 0131

SENATE SPONSOR Gross

0339S.01I

SB 131 The act provides that a person convicted of a felony shall not vote until such time as the Governor grants a pardon, commutation of sentence or a reprieve to such person. Currently, a person convicted of a felony is prohibited from voting until the person finishes the sentence or, if on probation or parole, until the person is finally discharged from probation or parole.

JIM ERTLE

120102 Prefiled
 010803 S First Read S40
 011403 Second Read and Referred S Financial & Governmental
 Organization, Veterans' Affairs & Elections Committee S76
 012103 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0132

SENATE SPONSOR Loudon

0390S.01I

SB 132 - This act revises the operation of the Cafeteria Plan for State employees. The act requires the Commissioner of Administration to include in the Cafeteria Plan, products from vendors if: (1) the product is eligible under the United States Code; (2) the vendor is approved by the Office of Administration; and (3) the vendor is receiving at least \$500,000 annually from State employees through voluntary payroll deductions.

CINDY KADLEC

120102 Prefiled
 010803 S First Read S40
 011403 Second Read and Referrers S Governmental S76
 Accountability and Fiscal Oversight Committee
 012703 Hearing Conducted S Governmental Accountability and
 Fiscal Oversight Committee
 020303 Voted Do Pass S Governmental Accountability and
 Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0133

SENATE SPONSOR Loudon

0388S.01I

SB 133 - This act prohibits elected and appointed officials from appearing in televised commercials or advertisements paid for by state money.

This act is identical to SB 1118 (2002).
 JIM ERTLE

120102 Prefiled
 010803 S First Read S40
 011403 Second Read and Referred S Governmental S76
 Accountability and Fiscal Oversight Committee
 012703 Hearing Conducted S Governmental Accountability and
 Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0134

SENATE SPONSOR Loudon

0437S.01I

SB 134 - This act allows peace officers wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a peace officer killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the insignia depicting a yellow rose superimposed over the outline of a badge and shall bear the words "TO PROTECT AND SERVE".

STEPHEN WITTE

120102 Prefiled
 010803 S First Read S40
 011403 Second Read and Referred S Transportation Committee S76

EFFECTIVE : August 28, 2003

SB 0135

SENATE SPONSOR Goode

0069S.01I

SB 135 This act exempts from taxation certain personal property leased to the state or to any political subdivision or to any tax-exempt organization, provided that such property is regularly and exclusively used for religious, educational or charitable purposes.

This act is similar to SB 773 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S40-41
012803 Second Read and Referred S Financial & Governmental S143
Organization, Veterans' Affairs & Elections Committee
030303 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0136

SENATE SPONSOR Goode

0159S.01I

SB 136 - This act changes the opening day for filing a declaration of candidacy for offices in political subdivisions and special districts from the 15th Tuesday before the election in April to the 16th Tuesday before the election. The act also modifies the date before which the political subdivision or special district must notify the general public of the opening filing date, the offices to be filled, the place for filing and closing filing date from the 15th Tuesday before the election to the 16th Tuesday before the election.

JIM ERTLE

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Financial & Governmental S76
Organization, Veterans' Affairs & Elections Committee
012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
022003 Voted Do Pass S Financial & Governmental Organ.,
Veterans' Affairs & Elections Committee - Consent
022403 Reported From S Financial & Governmental Organization S289
Veterans' Affairs & Elections Com. to Floor-Consent
030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0137

SENATE SPONSOR Goode

0227S.01I

SB 137 - This act authorizes "design-build" contracts in certain instances.

The Director of the Division of Design and Construction may determine that a design-build procurement process is necessary for any particular project based upon criteria set out in the act. The Division may hire a consultant to prepare proposals, review documents, decide disputes and make inspections. Design-build proposals are evaluated by a team composed of at least two representatives of the Division, two representatives of the agency that is to use the finished building and a chairman appointed by the Director of the Division.

Proposals may be solicited in three phases: Phase I involves soliciting of qualifications so that design-builders may be pre-qualified. The top five qualifiers will be asked to participate in phase II, in which they submit their design for the project. In phase III, the design-build contractors shall submit cost proposals.

The Division shall pay those submitting unsuccessful Phase II proposals for their technical submission and the Division may subsequently use the design.

The provisions of this act expire on December 31, 2005.

This act is similar to SB 748 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Small Business, Insurance S76
and Industrial Relations Committee
022603 Hearing Scheduled But Not Heard S Small Business,
Insurance and Industrial Relations Committee
030503 Hearing Scheduled S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003
TERM DATE : December 31, '05

SB 0138

SENATE SPONSOR Bland

0136S.01I

SB 138 - This act modifies the maximum penalties a consumer

must pay for late payments on certain credit transactions. Under the act, a lender may charge a late payment of 2% of the minimum payment due or \$15, whichever is less, on a small loan payment which is fifteen days or more in default.

This act also modifies the late charge on retail credit sales. Under the act, the maximum late charge that can be charged is \$5 (reduced from \$10) or \$2 (reduced from \$5) when the monthly installment due is less than \$25.

This act is similar to SB 1079 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Financial & Governmental S76
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0139

SENATE SPONSOR Bland

0134S.01I

SB 139 - This act modifies the Grandparents as Foster Parents Program. This act returns the Program to that which was passed in SB 837 in 1999.

Section 453.325, RSMo, requires the Division of Family Services to establish the "Grandparents as Foster Parents" Program. A grandparent, who is age 50 or older, may participate if he or she is the legal guardian of a grandchild and if he or she participates in the training available through the Division. If all of the requirements are satisfied, the Program will provide the following benefits:

Reimbursement based on the current foster care payment schedule;

Foster parent training, parenting skills training, childhood immunizations, and other similar health screens;

Continuing counseling for the child and the grandparent;
Support services, including respite care, child care, and transportation assistance;

Medicaid services to the child; and

Ancillary services, such as child care, respite care, transportation assistance, clothing allowances, but not direct financial payments to the participants.

Grandparents who are either under 50 years of age or who choose not to participate in the training for the Program may apply to the Division for foster care reimbursement and assistance.

This act is identical to SB 793 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Ways and Means Committee S76

EFFECTIVE : August 28, 2003
TERM DATE : August 28, 2008

SB 0140

SENATE SPONSOR Bland

0133S.01I

SB 140 - This act establishes the General Assembly Scholarship Program for the purpose of helping certain students pay fees at any public college or university in the state.

Student eligibility qualifications include: residency, successful completion of a core curriculum, high school graduation with a minimum 2.5 GPA, extracurricular activity involvement, a composite score on the ACT of at least 18 on the 1989 version or its equivalent, and certain financial needs.

Students from families with annual adjusted gross incomes of less than \$25,000 are eligible for a full scholarship. Students from families with annual adjusted gross incomes of between \$25,000 and \$35,000 are eligible for partial scholarships on a sliding scale, and students whose families have an annual adjusted gross income of more than \$35,000 are not eligible without a showing of hardship because of large medical bills.

The act sets requirements for a student to maintain the scholarship, including participation in a work study program. The Coordinating Board for Higher Education is designated to administer the program and make necessary rules and regulations.

The scholarship program shall be funded by a one percent per annum earnings tax on the salaries, wages, commissions and other compensation of nonresidents and on the net profits of associations, businesses, and other activities conducted by nonresidents. Organizations exempt from the earnings tax include religious, charitable, scientific or educational associations or corporations, civic groups organized to promote the social welfare and clubs organized for pleasure, recreation, or other nonprofit purposes.

Moneys from the earnings tax shall be deposited in the newly-created General Assembly Scholarship Program Fund. The Department of Revenue shall establish rules and regulations to

collect and enforce the earnings tax.

The provisions of this act are effective January 1, 2004.

This act is identical to SB 790 from 2002.

DONALD THALHUBER

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Ways and Means Committee S76

EFFECTIVE : January 1, 2004

SB 0141

SENATE SPONSOR Gross

0292S.01I

SB 141 - This act narrows the definition of a "Qualified Missouri Project" to only include projects in school districts where less than twenty percent of the students receive free and reduced school lunches. This restriction only applies to the initial filing of the eligibility statement for the project.

JEFF CRAVER

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Ways and Means Committee S105
021103 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0142

SENATE SPONSOR Goode

0459S.01I

SB 142 - This act gives the power of eminent domain to towns and villages with 200 or more inhabitants. Such towns and villages are also authorized to provide for and regulate sewage reduction devices, street lighting systems and water supplies.

This act is substantially similar to SB 711 (2002).

JIM ERTLE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Economic Development, S105
Tourism & Local Government Committee
012203 Hearing Conducted S Economic Development, Tourism &

Local Government Committee

021903 Voted Do Pass S Economic Development, Tourism & Local
Government Committee-Consent
022403 Reported From S Economic Development, Tourism & Local S290
Government Committee to Floor-Consent
030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0143

SENATE SPONSOR Goode

0486S.01P

SB 143 - This act provides that vetoed bills become
effective 30 days after the General Assembly votes to over-ride.

This act is similar to SB 749 (2002).

JIM ERTLE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Governmental S105
Accountability & Fiscal Oversight Committee
012703 Hearing Conducted S Governmental Accountability and
Fiscal Oversight Committee-Consent
020303 Voted Do Pass S Governmental Accountability and
Fiscal Oversight Committee-Consent
021003 Reported From S Governmental Accountability and S201
Fiscal Oversight Committee to Floor - Consent
021703 S Third Read and Passed - Consent S235
021803 H First Read

EFFECTIVE : August 28, 2003

SB 0144

SENATE SPONSOR Goode

0495S.01I

SB 144 - This act revises the sunshine law in the following
manner:

- Includes a bi-state development agency in the definition
of "quasi-public governmental body";

- Any votes taken during a closed or open meeting shall be
by roll call, except on unanimous votes of the members present;

- Clarifies that votes taken by a public body in a closed
meeting regarding legal actions, the acquiring of real property,
or personnel matters must be taken by roll call vote and the

results of the vote be made public;

- No vote may be closed without an affirmative vote of the body;

- Requires production of public records, and the fees for copying shall not exceed the amounts charged by the Secretary of State;

- Authorizes the Attorney General to attempt to resolve disputers or complaints, and to review open and closed records, except for privileged communications. Closed records shall remain closed, unless the Attorney General determines that closure was unlawful, in which case he shall be entitled to use the records in an action to enforce the Sunshine Law;

- Allows civil penalty if governmental body has "knowingly" violated act, and increases the penalty from \$500 to \$2500.

Provisions of this act are similar to SB 709 (2002).

JIM ERTLE

120102	Prefiled	
010803	S First Read	S41
012103	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S105

EFFECTIVE : August 28, 2003

SB 0145

SENATE SPONSOR Bland

0132S.01I

SB 145 - Currently, peace officers are required to report certain information concerning each stop of a driver of a motor vehicle for a violation of a traffic law or ordinance, including the racial identity of the person stopped, the violations alleged, the circumstances surrounding any resulting search and whether any arrest was made. This act requires such information for each stop of a motor vehicle, regardless of the purpose of the stop. The act also requires information to be collected on pedestrian stops.

This act is similar to SB 789 (2001).

RICHARD MOORE

120102	Prefiled	
010803	S First Read	S41
012103	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S106

EFFECTIVE : August 28, 2003

SB 0146

SENATE SPONSOR Bland

0139S.01I

SB 146 - This act requires health carriers that offer health benefit plans in this state on or after January 1, 2004, to provide coverage for mental health conditions. Mental health conditions are defined as those listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders. Coverage for mental health conditions cannot have rates, terms, or conditions that place a greater financial burden on an insured for mental health condition than for physical health condition. This mandated benefit shall not apply to supplemental insurance policies, life care contracts, accident-only policies, specified disease policies or other specific policies.

The act also modifies some of the standards for chemical dependency coverage and repeals several sections relating to mental illness and addictive disorders. The sections repealed include current exceptions to the requirement that health insurers who cover services for mental illness and addictive disorders provide the same coverage as they do for physical illness. These provisions include exceptions that allow insurers to limit inpatient hospital treatment for mental illness to 90 days per year (Section 376.811.2), place annual and lifetime limits on alcohol and drug abuse treatment services (Section 376.827), and exclude or apply different limits to certain specified services (Section 376.833).

This act is similar to SB 1141 and HB 1440 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S41

012103 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S106

EFFECTIVE : August 28, 2003

SB 0147

SENATE SPONSOR Bland

0138S.01I

SB 147 - This act outlines the minimum staffing requirements for skilled nursing facilities, licensed under Chapter 198, RSMo. A new Section 198.166 is created and requires every skilled nursing facility (SNF) to retain a full-time registered nurse (RN) to serve as Director of Nursing. SNFs with more than 100 licensed beds must employ a registered nurse to serve as Assistant Director of Nursing and must have a Director of In-

Service Education. All SNFs must maintain the following ratio of staff to residents, which include Licensed Practical Nurses (LPNs) and RNs:

- 1 staff person to 15 residents during the morning shift;
- 1 staff person to 25 residents during the evening shift; and
- 1 staff person to 35 residents during the night-time shift.

Every SNF must also maintain the following staff to resident ratio of direct care providers, which include certified nurse's aides, LPNs, and RNs:

- 1 staff person to 5 residents during the morning shift;
- 1 staff person to 10 residents during the evening shift; and
- 1 staff person to 15 residents during the night-time shift.

Members of the nursing staff may not provide food, housekeeping, laundry, or maintenance services to residents. Employees hired to provide such services may not provide nursing care and may not be counted in the staff to resident ratios. The Division of Aging is allowed to develop rules to impose penalties on facilities that fail to meet the staffing requirements.

This act is identical to SB 1082 (2002).

LORIE TOWE

120102 Prefiled

010803 S First Read

S41

012103 Second Read and Referred S Aging, Families & Mental & S106
Public Health Committee

EFFECTIVE : August 28, 2003

TERM DATE : August 28, 2008

SB 0148

SENATE SPONSOR Goode

0496S.01I

SB 148 - This act establishes a 65 mile per hour speed limit for trucks over 24,000 pounds on the rural interstates and freeways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways. The act also establishes a 60 mph hour speed limit for trucks on rural expressways and a 55 mph speed limit for trucks on urban interstate highways, freeways and expressways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways, 65 mph on rural expressways, and 60 mph on urban interstate highways, respectively. An operator of a truck who violates the speed limit by more than 5 mph will be fined an additional fine of \$50 per mile over that limit.

This act is similar to SB 774 (2002) and SB 138 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Transportation Committee S106

EFFECTIVE : August 28, 2003

SB 0149

SENATE SPONSOR Bland

0137S.01I

SB 149 - The act creates a new license classification for cosmetologists to be known as Class CB - braider. Braiders are required to take a course of study of at least 650 hours, or complete 1300 hours as an apprentice under the supervision of a licensed cosmetologist. The act also provides that schools of cosmetology must offer a course of study for 650 hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. A minimum of 100 hours of classroom training must be completed by the student before performing any acts of hair braiding on a patron or customer of a cosmetology school.

JIM ERTL

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0150

SENATE SPONSOR Bland

0145S.01I

SB 150 - This act allows any school district to create after school and summer educational programs in the subjects of art, science and mathematics for at-risk youth.

This act is similar to SB 794 (2002).
DON THALHUBER

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Education Committee S106

EFFECTIVE : August 28, 2003

SB 0151

SENATE SPONSOR Bland

0143S.01I

SB 151 - This act creates a pilot project which will require the Director of the Department of Economic Development to designate a tax free zone within a portion of Kansas City. The area to be designated shall be within a distressed community as defined by law. The city shall identify qualified areas and shall recommend one such area for designation as the economically depressed tax free zone. All retail purchases made during the years 2003 through 2005 within the economically depressed tax-free zone will be exempt from all state and local sales tax.

This act is identical to SB 1045 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S41

012103 Second Read and Referred S Ways and Means Committee S106

EFFECTIVE : August 28, 2003

SB 0152

SENATE SPONSOR Bland

0149S.01I

SB 152 - This act prohibits manufacturers of concealable firearms or assault weapons, as defined in the act, from distributing such weapons unless they are equipped with a reusable child safety lock or firearm locking device.

This act is identical to SB 781 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S42

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee S128

EFFECTIVE : August 28, 2003

SB 0153

SENATE SPONSOR Bland

0148S.01I

SB 153 - This act authorizes an appropriation to the Missouri Housing Development Commission for grants to pay for

operation and grant administration costs incurred by community housing development organizations.

This act is identical to SB 782 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0154

SENATE SPONSOR Bland

0147S.01I

SB 154 - This act prohibits health carriers from changing their drug formulary except at the beginning of the policy's annual anniversary date. However, the health carrier may add new prescription drugs to its formulary. The health carrier may not increase an enrollee's co-payment, co-insurance or other out-of-pocket expenses except at the beginning of the annual anniversary date for the policy.

This act is identical to SB 792 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Small Business, Insurance S106
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0155

SENATE SPONSOR Bland

0200S.01I

SB 155 - This act designates the first commercial film studio in Missouri operated by Walt Disney as a Missouri State Historical site.

This act is identical to SCS/SB 1043 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S42

dangerous weapons, including any pistol, revolver or firearm.

Persons licensed under this section shall notify local law enforcement and be accompanied by at least one local law enforcement officer when performing the duties of fugitive recovery.

SARAH MORROW

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0158

SENATE SPONSOR Bland

0192S.01I

SB 158 - This act creates the "State Board of Public Records" (Board). The Board is located in the Office of Administration and develops recommendations to monitor compliance of Missouri's Sunshine Law (Chapter 610, RSMo). The Board has subpoena power to view all records. The Board will also determine if a central office dealing with citizen's complaints is necessary.

The Board is comprised of seven members to be appointed by the governor with the advice and consent of the Senate. No more than four members may be of the same political party. Board members will not receive compensation, but will be reimbursed for necessary and actual expenses.

SARAH MORROW

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0159

SENATE SPONSOR Bland

0266S.01I

SB 159 - This act directs the State Board of Education to establish a coordinated health program board by January 1, 2004. No later than January 1, 2005, the coordinated health program board shall make available to each school district in the state a

coordinated health program designed in order to prevent obesity, cardiovascular disease, and type II diabetes in elementary and secondary students. The programs must provide for the coordination of health education, physical education and physical activity, nutrition services, and parental involvement.

No later than January 1, 2006, each school district shall participate in appropriate training for the implementation of the program and administer the program in each elementary and secondary school in the district. The state board of education shall, in cooperation with the Missouri Department of Health, provide school districts with the necessary training under this section.

DONALD THALHUBER

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Aging, Families & Mental & S106
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0160

SENATE SPONSOR Bland

0279S.01I

SB 160 - The act provides that first degree and second degree arson, which typically are Class B and Class C felonies, respectively, shall be a Class A felonies if the arson occurs to a church or other place of worship and was motivated because of the race, color, religion, national origin, sex, sexual orientation or disability of the victims.

This act is identical to SB 1278 (2002).

SARAH MORROW

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Judiciary & Civil & S106
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0161

SENATE SPONSOR Bland

0282S.01I

SB 161 - Under current law, persons who plead guilty or are found guilty of driving while intoxicated and driving with

excessive blood alcohol content are required to successfully complete a substance abuse traffic offender program, pay the fees required for the program, and pay a supplemental fee of \$60 to the Division of Alcohol and Drug Abuse within the Department of Mental Health. This act applies these requirements to persons who plead guilty or who are found guilty of reckless and drunken operation or use of boats or skis, negligent operation of a vessel, and operating a vessel with excessive blood alcohol content.

This act is similar to SB 1216 and HB 1686 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S42
012803 Second Read and Referred S Transportation Committee S143

EFFECTIVE : August 28, 2003

SB 0162

SENATE SPONSOR Bland

0281S.01I

SB 162 - This act requires insurance companies to provide mandatory coverage for twenty-four hours of inpatient care following surgery. The inpatient care may be for less than twenty-fours if the patient agrees to a shorter period of inpatient care and the insurance policy provides coverage of post-discharge care. All insurance policies shall provide notice of this required coverage. This required coverage shall not be subject to greater deductibles or copayments than other similar health care coverages provided in the policy.

This act is similar to SB 1044 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Small Business, Insurance S106
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0163

SENATE SPONSOR Bland

0187S.02I

SB 163 - This act authorizes the Department of Revenue to use biometric identification methods in order to properly

identify driver license applicants. Biometric identification consists of facial recognition, fingerprints, hand geometry, iris recognition, retinal scans, and other methods of recognizing a person based upon physiological characteristics. Before issuing any driver license, nondriver license, or instruction permit, the applicant must provide biometric information as requested by the Director of the Department of Revenue. The Director is authorized to promulgate rules regarding the capture of biometric identification codes on applications for driver's licenses, nondriver's licenses, and instruction permits.

This act modifies the instruction permit application process. The act specifies what an instruction permit application must contain (name, Social Security Number, mailing address, etc.). An instruction permit application must also contain an unique biometric identification code. Additionally, the application must contain information which will enable the director to determine whether the applicant is fit to drive a motor vehicle or whether the applicant has any prior convictions relating to driving a motor vehicle (DWIs, driving without a license, etc.).

This act also reorganizes a provision of law relating to nondriver's licenses.

STEPHEN WITTE

120102 Prefiled

010803 S First Read

S42

012103 Second Read and Referred S Transportation Committee S106

EFFECTIVE : August 28, 2003

SB 0164

SENATE SPONSOR Bland

0174S.01I

SB 164 - This act prohibits passengers, as well as drivers, from possessing or consuming an open container of an alcoholic beverage in the passenger area of a motor vehicle on a highway or a right-of-way. A person violating this act shall be guilty of an infraction with a penalty not to exceed \$25. This act does not apply to passengers in the passenger area of motor vehicle used to transport persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. This act shall also not apply to the possession of an open container behind the last upright seat of a motor vehicle that is not equipped with a trunk.

This act is similar to one contained in SB 660 (2002) and SB 291 (2001).

STEPHEN WITTE

120102 Prefiled
 010803 S First Read S42
 012803 Second Read and Referred S Transportation Committee S143

EFFECTIVE : August 28, 2003

SB 0165

SENATE SPONSOR Bland

0040S.01I

SB 165 - This act increases the number of members of the Missouri Minority Business Advocacy Commission from nine to eleven. The new members shall include two minority members from the House of Representatives to be appointed by the Speaker of the House and two minority members from the Senate to be appointed by President Pro Tem. The act also provides for one representative of labor and one representative of a non-minority business to serve on the commission.

This act removes language granting sole authority to the Office of Administration and the Department of Economic Development in developing a financial plan and implements new language allowing them to assist the Commission in the development of a financial plan.

This act states that the plan will be compatible with the state disparity study of 1997 and will be submitted to the Governor and General Assembly by July, 2006, and biennially thereafter.

This act moves the authority of the commission from Chapter 33, RSMo, State Financial Administration, to Chapter 37 RSMo, Office of Administration.

This act is substantially similar to HB 2187 (2002).
 LORIE TOWE

120102 Prefiled
 010803 S First Read S42
 012103 Second Read and Referred S Financial & Governmental S106
 Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0166

SENATE SPONSOR Bland

0278S.01I

SB 166 - This act establishes a Needle Exchange Program within the Department of Health. The Needle Exchange Program will attempt to reduce HIV transmission associated with drug use by providing sterile needles and will encourage participants to seek substance abuse counseling. The Department may legally possess and distribute hypodermic needles or syringes as part of the Program. All records associated with the Program will be closed.

This act is identical to SB 764 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Aging, Families & Mental & S106
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0167

SENATE SPONSOR Russell

0170S.02I

SB 167 This act provides that in any election contest for circuit or associate judge, regardless of whether the contest involves qualifications, irregularity or other cause and whether it is in a primary or general election, the petition must be filed in and heard by an adjoining Circuit Court.

If a petition contesting any election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction to transfer such case to the correct Circuit Court.
JIM ERTLE

120302 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee
021703 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0168

SENATE SPONSOR Quick

0305S.01I

SB 168 - This act provides a \$150,000 death benefit for public safety officers who are killed in the line of duty. The

benefits will be administered by the Office of Administration. Funds for benefits will come from General Revenue. Should the number of claims exceed appropriations the claims will be paid on a pro rata basis.

This act is similar to SB 977 (2002).
CINDY KADLEC

120302 Prefiled
010803 S First Read S42
012103 Second Read and Referred S Financial & Governmental S106
Organization, Veterans' Affairs & Elections Committee
021703 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0169

SENATE SPONSOR Quick

0216S.01I

SB 169 This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without parole.

SARAH MORROW

120302 Prefiled
010803 S First Read S43
012103 Second Read and Referred S Judiciary & Civil & S106
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0170

SENATE SPONSOR Quick

0302S.01I

SB 170 - This act allows the Clay County Commission to vote to pay the salaries of deputy circuit clerks and division clerks with county funds. Currently, the salaries of deputy circuit clerks and division clerks must be paid by the state.

This act is similar to SCS/SB 996 (2002).
JIM ERTLE

120302 Prefiled
010803 S First Read S43
012103 Second Read and Referred S Economic Development, S106

Tourism & Local Government Committee
012203 Hearing Scheduled But Not Heard S Economic Develop.
Tourism & Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0171

SENATE SPONSOR Loudon

0527S.01I

SB 171 - This act allows firefighters wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a firefighter killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the words "FIREFIGHTERS MEMORIAL".

STEPHEN WITTE

120302 Prefiled

010803 S First Read

S43

012103 Second Read and Referred S Transportation Committee S106

EFFECTIVE : August 28, 2003

SB 0172

SENATE SPONSOR Goode

0550L.01I

SB 172 - This act creates and defines the following new terms in the Real Property Tax Increment Allocation Redevelopment Act: "high unemployment", "low-fiscal capacity", "moderate income", and "new job".

The act requires that a study be a part of the basis for finding that a redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and that such area has not be subject to growth and development through private investment. This study must state that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. The act also requires an economic feasibility analysis indicating the return on investment of the proposed development.

The act limits a portion of existing law concerning sharing of payments in lieu of taxes among affected political subdivisions to apply only to blighted areas.

The act changes criteria used to evaluate primarily

retail redevelopment projects funded by tax increment financing in the City of St. Louis and in St. Louis, Jefferson, Warren, St. Charles, Franklin, Lincoln, St. Francois and Ste. Genevieve counties. Any redevelopment project consisting solely of public infrastructure improvements on public land, requiring less than two million dollars in TIF, and where the TIF bonds will be paid-off in less than seven years are exempt from these new criteria. Also exempt are redevelopment projects for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or potential revenues from no other taxing jurisdictions are involved.

The act requires approved project areas or census blocks within these counties and the city of St. Louis to have high unemployment, low fiscal capacity, and moderate income. The act also limits the maximum amount of public funding for approved TIF projects to 30% of the total project costs, unless the redevelopment is occurring in certain further impoverished areas.

The act does not allow TIF to be used to develop sites where 25% or more of the area is vacant and has not been previously developed, qualifies as "open space" as defined in Section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except in certain cases. If a redevelopment project is located with a majority of the project in a qualifying area and a contiguous area of lesser size meets the same criteria as the original are, then the contiguous area shall be added to the qualifying area.

Where a municipality received payments in lieu of taxes, it may be required to pay 25% of such payments to other taxing entities otherwise entitled to receive revenue from levies on real property in such municipality. Those taxing entities will divide this revenue proportionately to the collections of revenue from real property in the development area to which each such taxing entity is entitled during that tax year.

An annual submission of information regarding the approval plan shall be made to the DED, who shall submit a report to the Governor and the general assembly by the last day of April each year.

Certain counties providing emergency services pursuant to Chapter 190 shall be entitled to reimbursement from the special allocation fund for direct costs of not less than 25% but not more than 100% of that districts tax increment.

The act has an effective date of July 1, 2004.
JEFF CRAVER

120402 Prefiled
 010803 S First Read S43
 013003 Second Read and Referred S Ways and Means Committee S158
 022503 Hearing Conducted S Ways and Means Committee

EFFECTIVE : July 1, 2004

SB 0173

SENATE SPONSOR Quick

0411S.01P

SB 173 This act provides that when a fire protection district expands the number of directors from three to five, the initial term of office for the newly elected fire protection district director receiving the second highest number of votes shall be four years. Currently, the term of office is three years.

JIM ERTLE

120402 Prefiled
 010803 S First Read S43
 012103 Second Read and Referred S Economic Development, Tourism & Local Government Committee S106
 012203 Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent
 020503 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent
 021003 Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent S202
 021903 S Third Read and Passed - Consent S263
 022003 H First Read

EFFECTIVE : August 28, 2003

SB 0174

SENATE SPONSOR Childers

0497S.01I

SB 174 - This act states that a paddlesport outfitter has no liability for any injury to or death of a participant resulting from the inherent risks of paddlesport. However, an outfitter is liable if: (1) he or she intentionally injures a participant; (2) is negligent and is the proximate cause of the injury; (3) provides unsafe equipment that he or she should have known was unsafe; (4) fails to provide an approved flotation device; and (5) fails to use ordinary care.

Every outfitter shall post a sign which contains a warning that the outfitter is not liable for an injury as a result of the inherent risks of paddlesport activities.

This act is similar to HB 1609 (2002).
SARAH MORROW

120402 Prefiled
010803 S First Read S43
012303 Second Read and Referred S Judiciary & Civil & S128
Criminal Jurisprudence Committee
021703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0175

SENATE SPONSOR Loudon

0392S.01I

SB 175 - This act creates a food recovery program for restaurants and charitable or nonprofit organizations to provide food to needy persons.

A new Section 192.081 is created with definitions for "donor", "food", "perishable food", and "prepared food". The intent is to make surplus food available to charitable and nonprofit organizations or volunteers for distribution to the homeless or those in need of food. Any donor and charitable or nonprofit organization acting in good faith will not be subject to criminal penalty or civil damages arising from the condition of the food.

Reasonable efforts should be made between donors and charitable or nonprofit organizations to contact each other for the collection of food. The Department of Health and Senior Services must develop and annually update a public information brochure regarding food recovery. Also, the Department must submit a report to the Governor, President Pro Tem, and Speaker by November 1, 2004.

This act is similar to SB 1259 (2002).
LORIE TOWE

120402 Prefiled
010803 S First Read S43
012103 Second Read and Referred S Aging, Families & Mental & S106
Public Health Committee
012903 Hearing Cancelled S Aging, Families & Mental & Public
Health Committee
020503 Hearing Conducted S Aging, Families & Mental & Public
Health Committee
022703 Voted Do Pass S Aging, Families & Mental & Public

Health Committee-Consent

EFFECTIVE : August 28, 2003

SB 0176

SENATE SPONSOR Wheeler

0537S.01I

SB 176 - This act authorizes the Bureau of Communicable Diseases within the Department of Health and Senior Services to monitor all epidemiological studies conducted by any public or private entity for suspected bioterrorist agents. Bioterrorist agents are agents which promote or spread bioterrorism and include, but are not limited to, anthrax, botulism, and smallpox.

The Bureau is responsible for notifying the affected local health departments of any suspected bioterrorist agents. The State Public Health Laboratory must test and report on all samples of suspected bioterrorist agents. The reports shall include the following:

The name of the disease or condition being reported;

The date of onset;

The date of diagnosis;

The name, address, telephone number, occupation, race/ethnic group, social security number, sex, age, and date of birth for the case or suspected case;

The date of death, if death has occurred; and

The name, address, and telephone number of the person making the report.

Reports compiled by the State Lab shall be furnished in a timely manner to the affected local health department. The information contained in the reports is confidential and will not be disclosed, except upon the written consent of the affected individual.

LORIE TOWE

120402 Prefiled

010803 S First Read

S43

012203 Second Read and Referred S Aging, Families & Mental & S116
Public Health Committee012903 Hearing Cancelled S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0177

SENATE SPONSOR Wheeler

0551S.01I

SB 177 - This act allows the Director of the Department of Revenue to require aliens, at the time of application for a driver's license, to provide a translated and notarized copy of a birth certificate in addition to all other required information.

This act is similar to HB 1881 (2002).
STEPHEN WITTE

120402 Prefiled	
010803 S First Read	S43
011503 BILL WITHDRAWN	S92

EFFECTIVE : August 28, 2003

SB 0178

SENATE SPONSOR Bland

0226S.01I

SB 178 - This act requires the Jackson County Collector to permit taxpayers with hardships to pay their real property taxes in equal monthly or quarterly installments. To qualify, a taxpayer, or in the case of joint ownership, taxpayers, must own the property and use it as their principal residence. A hardship is defined as either having a Missouri adjusted gross income of less than \$15,000 for an individual or \$20,000 for a couple, or being unemployed currently or at any time in the three months prior to applying for the installment payment method. Interest for delinquent taxes will only apply if the taxpayer(s) is more than 30 days late paying any monthly or quarterly installment.
JEFF CRAVER

120502 Prefiled	
010803 S First Read	S43
012203 Second Read and Referred S Ways and Means Committee	S117

EFFECTIVE : August 28, 2003

SB 0179

SENATE SPONSOR Bland

0585S.01I

SB 179 - This act prohibits an insurer from refusing to insure an eligible person's interest in residential property. The act requires insurance agents to provide prospective insureds accurate premium quotations for their property and obligates the agent to submit the insured's application for insurance to the insurer. The insurer shall explain to each prospective insured why it is canceling or refusing to renew a policy. An insurer shall not penalize an individual agent because of the geographic

location of the business written by the agent.

This act is similar to SB SB 160 (2001).
STEPHEN WITTE

120502 Prefiled
010803 S First Read S43
012203 Second Read and Referred S Small Business, Insurance S117
and Industrial Relations Committee
021903 Hearing Scheduled But Not Heard S Small Business,
Insurance & Industrial Relations Committee
030503 Hearing Scheduled S Small Business, Insurance &
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0180

SENATE SPONSOR Bland

0483S.02I

SB 180 - This act allows retired teachers and administrators
in the Kansas City public school district the option of coming
out of retirement while not relinquishing their retirement
benefits for up to four years.

DONALD THALHUBER

120502 Prefiled
010803 S First Read S43
012203 Second Read and Referred S Education Committee S117
021103 Hearing Conducted S Education Committee-Consent

EFFECTIVE : August 28, 2003

SB 0181

SENATE SPONSOR Cauthorn

0543S.02I

SB 181 - This act requires the salaries of all state
employees, excluding elected officials and certain other
statutory officials, be automatically adjusted at the beginning
of each fiscal year to an amount equal to the percentage of such
annual rate which corresponds to the most recent percentage
change in the Consumer Price Index for the region of which
Missouri is included. The Consumer Price Index is produced by
the United States Department of Labor, Bureau of Labor
Statistics.

RICHARD MOORE

120502 Prefiled
 010803 S First Read S43
 012203 Second Read and Referred S Financial & Governmental S117
 Organization, Veterans' Affairs & Elections Committee
 012703 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

 SB 0182

SENATE SPONSOR Cauthorn

0290S.02I

SB 182 - This act requires informed consent at least twenty-four hours prior to an abortion and any person performing an abortion must provide proof of financial responsibility.

The current language of Section 188.039, RSMo, regarding consent is deleted. Except for a medical emergency, new language requires a physician to confer with the patient regarding the benefits and risks of the procedure at least twenty-four hours prior to the abortion. For an abortion induced by drugs, the conference must take place at least twenty-four hours before prescribing the drugs. The patient must be screened for risk factors prior to or during the conference.

At the conclusion of the conference, the physician and patient must each sign the consent form that certifies the screening and discussion. The form will become part of the patient's medical file and will remain confidential. The Director of the Department of Health and Senior Services must develop a model consent form for physicians. However, lack of a model form will not affect the physician's duties to obtain consent.

A new Section 188.043 is created and requires any person performing an abortion to provide proof of financial responsibility to the Department. Proof of financial responsibility means any of the following:

Filing with the Department a written certificate for a medical malpractice insurance policy with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate;

Filing with the Department a bond of a surety company with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate;

Filing with the Department a certificate of the state treasurer attesting to the deposit of five hundred thousand dollars in cash or bonds.

The Department must annually receive verification that the insurance policy or surety bond is effective without any decrease

in the amount of coverage or the amount of the bonds. Insurance and surety companies must provide notice to the Director of the Department within ten days prior to the cancellation of a medical malpractice insurance policy or a surety bond. Prior to any withdrawal, the state treasurer must receive a certificate from the Department verifying that proof of financial responsibility has been established by either a medical malpractice insurance policy or a surety bond.

Abortion facilities and hospitals are prohibited from employing any person performing abortions who has failed to furnish proof of financial responsibility.

The provisions of Section 188.043 will take effect on January 1, 2004.

This act is similar to SB 1056 (2002).
LORIE TOWE

120502 Prefiled
010803 S First Read S43
012203 Second Read and Referred S Aging, Families & Mental & S117
Public Health Committee
021203 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : Various

SB 0183

SENATE SPONSOR Dougherty

0126S.02I

SB 183 - This act requires temporary registration tags to incorporate a security measure to prevent tampering. The act also requires dealers, beginning January 1, 2004, to notify the Department of Revenue (DOR) by electronic means when it issues a temporary permit. This measure would allow DOR to monitor those who fail to register the vehicle after the 30 day period.

The act also makes it a Class C misdemeanor for any person who alters, counterfeits or misuses a temporary permit to avoid registering a motor vehicle. The person would also have his or her driver's license suspended for a period of sixty days.

STEPHEN WITTE

120502 Prefiled
010803 S First Read S43
012203 Second Read and Referred S Transportation Committee S117

EFFECTIVE : August 28, 2003

SB 0184

SENATE SPONSOR Bartle

0515S.01I

SB 184 - This act requires the posting of a statewide sexual offender list on the Internet. This will allow the public to search for registered sexual offenders by name, zip code and mile radius from any address. This act does limit the amount of information about a registered sexual offender to a photograph, name, address and crime committed.

This act is similar to HB 1611 (2002).
SARAH MORROW

120502 Prefiled

010803 S First Read

S43

012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

S117

012703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee021703 Voted Do Pass S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0185

SENATE SPONSOR Wheeler

0555S.01I

SB 185 - This act creates the Missouri Office of Pharmaceutical Reporting within the Department of Health and Senior Services. The Office will be responsible for monitoring the pharmaceutical records compiled by licensed pharmacists and pharmacies. An automated system will be implemented for purposes of collecting, storing, and tracking information. The Office will have the authority to hire more inspectors and conduct random testing of controlled substances.

A new Section 338.600 is created and requires all licensed pharmacists and pharmacies to maintain records of ordering, receiving, dispensing, or transferring controlled substances. The Office of Pharmaceutical Reporting has the authority to review, copy, or seize these records. The records shall be uniformly maintained and retrievable for three years. However, in an emergency, they will be immediately retrievable within forty-eight hours. The records will include, but not be limited to, the following:

Invoices verifying the ordering and receipt of controlled substances;

Documentation of controlled substances dispensed directly to

the patient as well as any returned drugs;
 Documentation of compounded controlled substances; and
 An inventory of all controlled substances to be destroyed or
 returned to the vendor.

Pharmacists are required to notify and prepare a report to the Office of Pharmaceutical Reporting within forty-eight hours of any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that could signify a public health emergency. These reports can be made electronically or in writing and shall include the specific illness, patient's personal identification information, and the name of the reporting individual. The information contained in the reports is confidential and will not be disclosed, except upon the written consent of the affected individual. Any pharmacy or pharmacist in violation of the aforementioned will be guilty of a Class C misdemeanor.

Each pharmacy must display a sign concerning the reporting of prescription errors in a conspicuous location visible to consumers.

LORIE TOWE

120502 Prefiled
 010803 S First Read S43
 012203 Second Read and Referred S Aging, Families & Mental & S117
 Public Health Committee
 012903 Hearing Cancelled S Aging, Families & Mental & Public
 Health Committee

EFFECTIVE : August 28, 2003

 SB 0186

SENATE SPONSOR Cauthorn

0544S.01I

SB 186 - This act repeals a provision which allows the Marion County Circuit Court to appoint the District I Clerk of the Circuit Court if the offices of Circuit Clerk and Recorder of Deeds are separated.

This act is identical to SB 869 (2002).
 CINDY KADLEC

120902 Prefiled
 010803 S First Read S44
 012203 Second Read and Referred S Economic Development, S117
 Tourism & Local Government Committee
 020503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee

021903 Voted Do Pass S Economic Development, Tourism & Local
Government Committee-Consent
022403 Reported From S Economic Development, Tourism & Local S290
Government Committee to Floor-Consent
030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0187

SENATE SPONSOR Yeckel

0644S.01I

SB 187 - This act creates numerous revisions to laws concerning charter schools.

SECTION 160.400 - Charter schools may be operated in the currently authorized territories, even if the existing school district no longer exists or includes that territory. The act clarifies that charter schools may be sponsored by a public 4-year college or university in a county containing an eligible school district, even if the college or university is not in the school district. The act alters the provision concerning school buildings owned or controlled by a school district in which charter schools may be established.

The act constructs a Charter School Sponsor Oversight and Accountability Fund, with grant funding administered by the office of administration. Funds shall be transferred annually by the State Treasurer, based upon the number of charter schools and charter school enrollment the previous year. Approved sponsors shall receive \$23,400 per school sponsored the previous year plus 0.5% of per pupil operating revenues for each student enrolled in such school the previous year. Any sponsor may apply and must demonstrate compliance of all requirements of law. Grant funds shall be prorated if necessary when funds are inadequate. Unused funds shall be retained and used to reduce the next year's withholding from charter school revenues.

Prior to granting or renewing a charter, sponsors must complete criminal background checks on the members of the Board of Directors of any nonprofit corporation applying to establish a charter school. No member of a charter school board may be employed by the charter school nor have a significant interest in any entity employed by or contracting with the Board.

SECTION 160.403 - This section establishes the Public Charter School Board, which shall be responsible for reviewing charter applications and granting or not granting charters. The Public Charter School Board shall notify applicants of a decision, in writing, within sixty days of submissions of applications. The public charter school board shall develop policies and procedures to measure and report the performance of

schools and students for whom the board grants charters. The policies and procedures shall be designed to be compatible with the educational concept of the charter and philosophy of charter schools. Student progress shall be measured using data from a variety of vehicles.

The act also creates the Public Charter School Board Fund, which shall be used exclusively for the operation of the public charter school board. Subject to appropriation, the state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the public charter school board fund, \$99,000 on an annual basis.

The act mandates that DESE shall provide all administrative support required by the public charter school board while utilizing the same resources and personnel that it currently provides to the State Board of Education without assigning additional costs to the public charter school board. The Department of Elementary and Secondary Education shall not have budgetary authority over the development of budgetary requests or the expenditures of funds.

SECTION 160.405 - This section revises the procedure and time line for chartering a school. A charter school proponent shall provide the local school district and the State Board of Education with copies of the charter school application within five days of submitting the application to the proposed sponsor. The sponsor's decision of approval or denial must be made within 90 days of filing the proposed charter (rather than the current 60); if the charter is denied, written notice must be served on the State Board of Education within five days. The State Board has 60 days to deny or grant a proposed charter and shall provide reasons for denial in writing, if applicable.

Charter schools are required to publish audits and financial reports. Charter schools may publish audit reports and annual financial reports via the internet on the secretary of state's website in lieu of other publishing requirements. A charter may be revoked for failure to provide necessary compliance information, or the sponsor may require specified remedial action of the school.

Charter school board members, officers and employees who willfully violate charter school laws or neglect to perform any duty in the charter school laws are guilty of a misdemeanor as other public school employees are under current law. A charter school board may participate in the Missouri Public Entity Risk Management Fund to the same extent as a school board. The act allows a charter school to be located on the property of a school district without the agreement of the governing board of that district.

SECTION 160.410 - Charter schools must make available the

charter, the results of background checks, and the public report card to the parent of guardian of any pupil eligible to seek to enroll at the school. Reasonable fees may be charged for such copies.

SECTION 160.415 - This section alters the payment mechanism for state (and federal) aid to charter schools by mandating that DESE pay the charter schools directly. Currently, DESE pays school districts and the school districts forward the appropriate allotment to the charter schools inside their district. If DESE overpays or underpays the amount due the charter school, such over or under payment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year. Any dispute between DESE, the school district, and a charter school regarding funding shall be resolved by the administrative hearing commission, with the option of judicial review. If a dispute should occur, DESE is mandated to make every administrative and statutory effort to allow the continued education of children in their current public charter school educational setting and not take action which prevents (either directly or indirectly) the continued operation of a charter school. Further, DESE is forbidden to make an arbitrary and capricious decision which negatively impacts the education of a child.

SECTION 160.420 - This section allows district teachers employed in charter schools to retain tenure status and seniority rights for three years. Charter schools are permitted to hire noncertificated administrators.

SECTION 167.349 - This section allows any campus of the state university located in a county of the third classification (University of Missouri - Rolla) to sponsor charter schools.

SECTION 169.596 - This section permits any school district with a shortage of certified teachers to allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits, so long as the total number of such retired certificated teachers does not exceed the greater of ten percent of the total teacher staff for that school district, or five certificated teachers. Further, any school district with a shortage of non-certificated employees may allow those retired individuals to be employed full-time for up to two years without losing his or her retirement benefits. The total number of such retired non-certificated employees shall not exceed the greater of ten percent of the total non-certificated staff for that school district, or five employees. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations. If enacted, this section shall take effect upon its passage and approval.

This act is similar to SB 1233 (2002).

DONALD THALHUBER

121002 Prefiled
 010803 S First Read S44
 012203 Second Read and Referred S Education Committee S117
 022503 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0188

SENATE SPONSOR Cauthorn

0294S.02I

SB 188 - This act exempts from a senior (age 65 and over) individual taxpayer's state adjusted gross income the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year. The exemption makes those amounts no longer subject to state income tax.

This act takes effect for tax years beginning on or after January 1, 2004.

This act is similar to SB 823 (2001).
 JEFF CRAVER

121002 Prefiled
 010803 S First Read S44
 012203 Second Read and Referred S Ways and Means Committee S117
 021103 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0189

SCS/SBs 194 & 189

SENATE SPONSOR Loudon

0654S.01I

121102 Prefiled
 010803 S First Read S44
 012203 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S117
 012903 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 020503 Bill Combined (SCS SBs 194 & 189) S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0190

SENATE SPONSOR Loudon

0653S.01I

SB 190 - This act deems a positive test result for controlled substances or for blood alcohol content of eight-hundredths of one percent or more as misconduct connected with work. Claimants suspended or terminated for a positive test result are ineligible for benefits. Such claimants may become eligible if they participate in a state-approved drug or alcohol treatment program.

Employers suspending or terminating employees pursuant to this act must publicly post a controlled substance and alcohol workplace policy which warns that a positive test result will be deemed misconduct and may result in suspension, treatment intervention, or termination.

This act is similar to the perfected Senate version of SB 1005 (2002).

RICHARD MOORE

121102 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S117

EFFECTIVE : August 28, 2003

SB 0191

SENATE SPONSOR Bartle

0662S.01I

SB 191 - This act prohibits human cloning. A new Section 565.305 is created and defines "cloning" as the production of a precise genetic copy of a molecule or chromosomes. "Human cloning" is also defined as the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed.

Any individual knowingly engaging or participating in human cloning or using public funds and public facilities for purposes of human cloning will be guilty of a Class B felony.

LORIE TOWE

121102 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Judiciary & Civil & S117

Criminal Jurisprudence Committee
020303 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0192

SENATE SPONSOR Loudon

0377S.01I

SB 192 - This act allows the prosecution of a person charged with theft of a credit card and fraudulent use of a credit device or credit in various venues.

This act is identical to SB 1006 (2001).
SARAH MORROW

121202 Prefiled

010803 S First Read

S44

011303 BILL WITHDRAWN

S65

EFFECTIVE : August 28, 2003

SB 0193

SENATE SPONSOR Loudon

0693S.01I

SB 193 - This act enables the Highways and Transportation Commission to fund, construct, and operate toll roads, toll bridges, and other facilities connected with toll roads and bridges. It is contingent upon the approval of a constitutional amendment authorizing the Commission to fund, construct, and operate toll facilities.

The Commission is authorized to issue revenue bonds and refunding bonds for toll facilities. No more than \$500 million in bonds may be outstanding at any one time. The act exempts the interest on the bonds from taxation by the state.

Construction, operation, and retirement of debt in connection with toll facilities will be handled in three funds. The State Toll Facility Construction Fund will receive the proceeds from the sale of state road revenue bonds and moneys from other sources to be used to pay for the construction of toll facilities. The State Toll Facility Revenue Fund will receive state revenue from toll facilities. The State Toll Facility Bond and Interest Sinking Fund will receive funds from the State Toll Facility Revenue Fund which are in excess of what is needed to operate toll facilities.

These funds will be used to pay principal and interest on the bonds. If there are insufficient funds to do that, the commission is given authority to transfer moneys from the State Road Fund sufficient to make such payments. The Commission will establish segregated accounts within the various funds to keep the financing of projects separated from each other. The Commission has authority to make transfers between funds and accounts. When the bonds issued for a particular toll facility are paid off, the facility will continue in the state transportation system as a free facility.

This act is similar to SB 612 and HB 204 (2001).
STEPHEN WITTE

121202 Prefiled
010803 S First Read S44
012203 Second Read and Referred S Transportation Committee S117

EFFECTIVE : Contingent

SB 0194
SCS SBs 194 & 189
SENATE SPONSOR Scott

0684S.02P

SCS/SBs 194 & 189 - This act provides that Indian tribes for which service in employment is performed are considered "employers" and requires Indian tribe employers to contribute or make payments in lieu of contributions to the Unemployment Compensation Trust Fund. Further, this act will bring the State into compliance with a federal mandate the noncompliance of which will subject the State and employers of the state to millions of dollars of lost tax credits and grants.

This act has an emergency clause.

This act is identical to HB 2166 (2002).
RICHARD MOORE

121202 Prefiled
010803 S First Read S44
012203 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S117
012903 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
020503 SCS Voted Do Pass (SCS SBs 194 & 189) S Small Bus., Insurance & Industrial Relations Com. (0684S.02C)
021003 Reported From S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS-Consent S203
021903 SCS S adopted S267
021903 S Third Read and Passed - EC adopted - Consent S267

022003 H First Read (w/EC)

EFFECTIVE : August 28, 2003

SB 0195

SENATE SPONSOR Scott

0688S.01I

SB 195 - This act enables Platte and Clay Counties to levy a hotel and motel room tax of 1/2 percent. The revenue from the tax is used for the promotion of tourism. Current law enables Platte county to levy a 1/4 percent room tax. The act also clarifies that the tax is in addition to any hotel tax imposed by the City of Kansas City.

This act is similar to HB 1820 (2002).
JEFF CRAVER

121202 Prefiled

121202 Bill Withdrawn

EFFECTIVE : August 28, 2003

SB 0196

SENATE SPONSOR Scott

0689S.01I

SB 196 - This act specifies that the State of Missouri and its agencies shall not automatically purchase goods or services from Missouri Vocational Enterprises when existing Missouri businesses can provide such goods or services. When competition exists between Missouri Vocational Enterprises and existing Missouri businesses the state and its agencies shall purchase such items from the supplier who can best meet the purchaser's needs.

RICHARD MOORE

121202 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Pensions & General Laws
Committee

S117

020403 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0197

SENATE SPONSOR DePasco

0624S.01I

SB 197 - This act suspends all statutory sales and use tax exemptions, with the exceptions of food and certain pharmaceuticals and related health care items.

The suspension affected by this act will take effect beginning July 1, 2003 and ending June 30, 2005.

This act has a referendum clause.

This act is identical to SB 963 (2002).

JEFF CRAVER

121302 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Ways and Means Committee S117

EFFECTIVE : Voter Approval

SB 0198

SENATE SPONSOR Caskey

0719S.01I

SB 198 - This act modifies provisions of the DNA Profiling System. The system shall be used to assist law enforcement in the identification of individuals are subjects of prosecution for criminal offenses in which biological evidence is recovered from the crime scene. Currently, the system can only be used to assist in the investigation and prosecution of violent and sex-related crimes. Any individual who pleads guilty or nolo contendere to a felony is required to give a biological sample for purposes of DNA analysis. Currently, only individuals convicted of certain violent and sex offenses must give a biological sample.

All DNA records and biological materials retained in the DNA profiling system are to be considered closed records. Any information maintained by any person, agency or political subdivision concerning an individual's DNA profile shall be strictly confidential and shall not be released except to certain peace officers, the attorney general, prosecuting or circuit attorneys or certain public employees that need to obtain such records to perform their public duties. Any person that obtains such records must only use them for investigative or prosecutorial purposes.

This act is identical to HB 54 (2003).

JIM ERTLE

121602 Prefiled

010803 S First Read

S44

012303 Second Read and Referred S Judiciary & Civil & S128
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0199

SCS SB 199

SENATE SPONSOR Childers

0432S.02I

SCS/SB 199 - This act modifies the classification of counties. The assessed valuation necessary to qualify as a first class county is increased from the current \$450 million to \$600 million.

The act modifies Section 48.030, RSMo, to allow any county that has the requisite assessed valuation to become a first class county to choose to do so upon an affirmative vote of the counties governing body, even though the county has not had such valuation for five successive years as required under current law.

RICHARD MOORE

121702 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Economic Development, S117
Tourism & Local Government Committee

020503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

022603 SCS Voted Do Pass S Economic Development, Tourism, &
Local Government Committee (0432S.03C)

EFFECTIVE : August 28, 2003

SB 0200

SENATE SPONSOR Bland

0116S.02I

SB 200 - This act creates two multistate nursing licensure compacts; one for registered nurses and one for advanced practice registered nurses. These compacts allow licensed registered nurses and advanced practice registered nurses to practice nursing in states which participate in one of the nurse licensure compacts. All states wishing to participate in the compacts must adopt articles of authorization listed by the bill:

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

ARTICLE VI - Additional Authorities Invested in Party State Nurse
Licensing Boards;

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of
Information;

ARTICLE IX - Immunity;

ARTICLE X - Entry into Force, Withdrawal and Amendment; and

ARTICLE XI - Construction and Severability.

This act is similar to HB 1796 (2002).
JIM ERTLE

121702 Prefiled

010803 S First Read

S44

012203 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S117

022403 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0201

SENATE SPONSOR Steelman

0646S.01I

SB 201 - This act prohibits health carriers and other organizations from changing health services codes without the permission of the physician. If a dispute arises, the health carrier must establish a procedure to resolve the dispute. Every contract between the health carrier and the physician must set forth the health services code the physician must use to receive reimbursement for such services. The codes must refer to the most recent American Medical Association code book and other recognized codes used in Medicare and Medicaid programs.

This act is identical to SB 1125 (2002).
STEPHEN WITTE

121702 Prefiled

010803 S First Read S44
 012203 Second Read and Referred S Small Business, Insurance S117
 and Industrial Relations Committee
 030503 Hearing Scheduled S Small Business, Insurance and
 Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0202

SENATE SPONSOR Childers

0699S.02I

SCS/SB 202 - This act allows access to the water supply of a water corporation, municipality, or public water supply district for the purpose of filling mobile equipment during an emergency where life or property are in peril, regardless of non-payment. Authorization from the effected water supply governing body is required prior to pumping of water from the system. Hard suction connections may not be used in obtaining water from a public water supply. Within fifteen days following the use of water in an emergency situation the fire protection service shall provide the governing body of the source of water an estimated amount of water utilized. Under no circumstance shall an entity be authorized to deplete a water supply to a pressure less than the minimum pounds per square inch as required by law or regulation. Any entity which contemplates using water for emergency services must provide its personnel with adequate training. A fire protection service shall be liable for any damages caused by it to any part of the water supply system from which water is taken.
 RICHARD MOORE

121802 Prefiled
 010803 S First Read S44-45
 012303 Second Read and Referred S Economic Development, S128
 Tourism & Local Government Committee
 021203 Hearing Conducted S Economic Development, Tourism
 and Local Government Committee
 022603 SCS Voted Do Pass S Economic Development, Tourism, &
 Local Government Committee-Consent (0699S.05C)

EFFECTIVE : August 28, 2003

SB 0203

SENATE SPONSOR Bartle

0727S.01I

SB 203 This act provides that the party requesting an administrative subpoena shall enforce the subpoena at Circuit Court. Currently, the agency is responsible for enforcement of administrative subpoenas at Circuit Court. The involved agency

and any party to the action is permitted to intervene in the enforcement action.

JIM ERTLE

121802	Prefiled	
010803	S First Read	S45
012203	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S117
012703	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
021703	Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
022403	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor-Consent	S289
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0204

SENATE SPONSOR Yeckel

0738S.01I

SB 204 - This act authorizes school districts to designate an educational service agency, organized as a nonprofit corporation, for the purpose of developing, managing, and providing instructional services or programs to the participating district or districts.

DONALD THALHUBER

121902	Prefiled	
010803	S First Read	S45
012203	Second Read and Referred S Education Committee	S117
022503	Hearing Conducted S Education Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0205

SENATE SPONSOR Gross

0091S.01I

SB 205 - This act revises school aid for school districts which are paid based upon the district's 1992-93 per eligible pupil payment amount rather than the payment amount calculated under the current formula (including some portion of Line 14 payment) because the 1992-93 payment amount is greater. Such districts are generally referred to as "hold harmless" districts. This act requires districts to have an operating levy of at least \$2.75 in order to receive the hold harmless payment adjustment. This act would cause the hold harmless per eligible pupil payment

amount to be adjusted, relative to the 1992-1993 school year amount, by the cumulative (CPI) increase from the 2003-04 school year to the current year.

This act is similar to SB 863 (2002).
DONALD THALHUBER

122002 Prefiled
010803 S First Read S45
012203 Second Read and Referred S Education Committee S117

EFFECTIVE : August 28, 2003

SB 0206

SENATE SPONSOR Champion

0522L.02I

SB 206 This act requires persons to obey the lawful order of a law enforcement officer while at the scene of an accident. Failure to obey the lawful order of a law enforcement officer while at the scene of an accident is a Class A misdemeanor.

SARAH MORROW

122002 Prefiled
010803 S First Read S45
012203 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee S117

EFFECTIVE : August 28, 2003

SB 0207

SENATE SPONSOR Mathewson

0070S.02P

SB 207 - This act modifies the law regarding damage claims by rental companies. Under this act, all damage claims made by a rental company must be reasonably and rationally related to the actual loss incurred. Rental companies shall not assert a claim for damages which exceeds: (1) the actual cash value of the vehicle less any proceeds from the disposal of the vehicle, or (2) the actual cost to repair the vehicle including all discounts or price reductions, whichever is less. This act also adds repair facilities to the type of entities which may make estimates for damage claims.

STEPHEN WITTE

122602 Prefiled

010803 S First Read S45
 012803 Second Read and Referred S Commerce & the Environment S143
 Committee
 021103 Hearing Conducted S Commerce & Environment Committee
 021803 Voted Do Pass S Commerce & the Environment Committee
 022703 Reported From S Commerce & Environment Committee to
 Floor
 030303 007 S Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0208

SENATE SPONSOR Mathewson

0710S.01I

SB 208 - This act allows recreational vehicle associations and recreational vehicle dealers to participate in vehicle shows at the Missouri state fairgrounds so long as the show involves 500 or more recreational vehicles and the show is for the purpose of entertainment or education of its members.

STEPHEN WITTE

122602 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Economic Development, S117
 Tourism & Local Government Committee
 020503 Hearing Scheduled But Not Heard S Economic Develop.,
 Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0209

SENATE SPONSOR Steelman

0695S.01I

SB 209 - This act requires the Division of Medical Services to annually recalculate the Medicaid nursing home reimbursement amount. For three years, the recalculated Medicaid reimbursement amount cannot be reduced below the rate allowed at the initial recalculation. The recalculated Medicaid reimbursement amount shall not be less than ninety dollars per day. When recalculating the Medicaid reimbursement rate of any facility, the Division of Medical Services may not apply a minimum utilization adjustment greater than the current statewide average occupancy minus three percent.

This act will be effective on July 1, 2003, and the recalculated rates will be effective on January 1, 2004.

This act is identical to SB 1240 (2002).

LORIE TOWE

122602 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Aging, Families & Mental & S117
 Public Health Committee
 021203 Hearing Conducted S Aging, Families, Mental & Public
 Health Committee

EFFECTIVE : July 1, 2003

SB 0210

SENATE SPONSOR Steelman

0814S.01I

SB 210 - This act modifies the method of selecting commissioners for family courts. In circuits under the non-partisan court plan, family court commissioners will be appointed by a majority of the judges in the circuit and then will have to stand for retention in the next general election. In all other circuits or counties, family court commissioners will be elected.

This act is identical to SB 294 (2001).

JIM ERTLE

122702 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Financial & Governmental S117
 Organization, Veterans' Affairs & Elections Committee
 021703 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0211

SENATE SPONSOR Cauthorn

0739S.01I

SB 211 - This act clarifies and specifies that sales of food, meals, drinks and tangible personal property at prison canteens are subject to the statewide sales tax on those items. The existing sales tax provisions concerning collection and remittance of such taxes will apply to items made taxable by this act.

JEFF CRAVER

123002 Prefiled
 010803 S First Read S45

012203 Second Read and Referred S Ways and Means Committee S117
 020403 Hearing Conducted S Ways & Means Committee
 021103 Voted Do Pass S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0212

SCS SBs 212 & 220

SENATE SPONSOR Bartle

0788S.02C

SCS/SBs 212 & 220 - This act revises certain provisions of the police retirement systems in Kansas City. The act makes the plans consistent with the provisions of Section 401(a) of the Internal Revenue Code. A member's benefit shall be vested upon the earlier of completing 25 years of service, age 60 with 10 years of service, or age 70 regardless of years of service.

This act also allows members of the Kansas City Police Retirement System to receive their retirement benefits in a partial lump sum. The act allows members with at least 26 years of service to receive an optional distribution under a partial lump-sum option plan. Requirements to make the election are provided. The method for calculating the amount of the lump sum distribution is provided. If a member chooses a lump sum distribution the base pension amount will be reduced according to the provisions in the act.

The act changes the membership of the retirement board. The board will consist of five members. If the city has a civilian employees' retirement system, the five members will consist of one retired member of the police retirement system, one active member of the police retirement system, one member of the civilian employees' retirement system and two other members who are elected. If the city does not have a civilian employees' retirement system, the one member of the civilian employees' retirement system is replaced by another at large member. The method for election to these positions is specified.

Portions of this act is similar to SB 939 (2002).
 CINDY KADLEC

123002 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Pensions & General Laws S117
 Committee
 020403 Hearing Conducted S Pensions & General Laws
 Committee-Consent
 021803 SCS Voted Do Pass S Pensions & General Laws
 Committee-Consent (0788S.02C)
 022403 Reported From S Pensions & General Laws Committee to S289
 Floor w/SCS-Consent

030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0213

SCS SB 213

SENATE SPONSOR Bartle

0807S.02C

SCS/SB 213 - This act allows appeals from orders granting or denying class action certification. Such an appeal shall not stay court proceedings unless so ordered by the trial court or the court of appeals.

JIM ERTLE

123002 Prefiled

010803 S First Read

S45

012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

S117

020303 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee021703 SCS Voted Do Pass S Judiciary & Civil & Criminal
Jurisprudence Committee (0807S.02C)EFFECTIVE : August 28, 2003

SB 0214

SENATE SPONSOR Bartle

0804S.01I

SB 214 - This act provides that witnesses shall be allowed a fee of \$25 per day plus a mileage allowance. Currently, witness fees were determined by guidelines promulgated by the supreme court.

JIM ERTLE

123002 Prefiled

010803 S First Read

S45

012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

S117

012703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee021703 Voted Do Pass S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent022403 Reported From S Judiciary & Civil & Criminal
Jurisprudence Committee to Floor-Consent

S289

030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0215

SCS SB 215

SENATE SPONSOR Foster

0762S.02P

SCS/SB 215 - This act deletes a provision which disallows school districts from making expenditures for certain lease purchase obligations from the district's capital projects fund unless the district levies, in the current year, a tax rate in the capital projects fund which is sufficient to generate revenues equal to or greater than the amount of such expenditure and collects such revenues and credits such revenues to the capital projects fund.

Further, this act alters the conditions by which a school district may transfer moneys from the incidental fund to the capital projects fund. The act prescribes that any amount expended from the incidental fund for classroom instructional capital outlays must be subtracted from the 9% of the district's entitlement used to calculate the limit on such transfers.

Also, this act modifies the qualifications for school districts making transfers from the incidental fund to the capital projects fund by deleting the minimum levy and lease-purchase conditions and substituting compliance with provisions concerning compensation of certificated staff in the second preceding year or payment of all penalties for the second preceding year.

Additionally, the act lays out conditions under which a school district may refinance certain lease-purchase obligations. The Hayti R-II school district is currently the only district known to meet said conditions.

DONALD THALHUBER

010203	Prefiled	
010803	S First Read	S45
012303	Second Read and Referred S Education Committee	S128
012803	Hearing Conducted S Education Committee	
020403	SCS Voted Do Pass S Education Committee (0762S.02C)	
021003	Reported From S Education Committee to Floor w/SCS-Consent	S203
021903	SCS S adopted	S267-268
021903	S Third Read and Passed - Consent	S268
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0216

SENATE SPONSOR Foster

0740S.01P

SB 216 - This act allows members of the Missouri Association of State Troopers Emergency Relief Society to obtain license plates bearing the organization's emblem. The Missouri Association of State Troopers Emergency Relief Society will authorize the use of its emblem after receiving a \$25 emblem-use contribution fee. This fee must be used solely for the purposes of Missouri Association of State Troopers Emergency Relief Society. In addition to the \$25 contribution, any applicant desiring this specialized license plate shall pay \$15 in addition to regular registration fees.

STEPHEN WITTE

010203 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Transportation Committee S117
 020403 Hearing Conducted S Transportation Committee
 021103 Voted Do Pass S Transportation Committee-Consent
 021703 Reported From S Transportation Committee to S233
 Floor-Consent
 022503 S Third Read and Passed - Consent
 022603 H First Read

EFFECTIVE : August 28, 2003

 SB 0217

SENATE SPONSOR Champion

0763S.01I

SB 217 - This act renames Southwest Missouri State University as "Missouri State University". Further, the act specifies that costs incurred from altering the names of the state institutions contained in that section shall not be paid from state appropriations.

DONALD THALHUBER

010203 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Pensions & General Laws S117
 Committee
 012803 Hearing Conducted S Pensions & General Laws Committee
 020403 Voted Do Pass S Pensions & General Laws Committee
 020603 Reported From S Pensions & General Laws Committee to S187
 Floor
 021303 Bill Placed on Informal Calendar S223
 030303 S Inf Calendar S Bills for Perfection

EFFECTIVE : August 28, 2003

SB 0218

SCS SB 218

SENATE SPONSOR Goode

0811S.09C

SCS/SB 218 - This act provides that a municipality may impose a fee of up to \$50 per year for the repair of lateral sewer lines on residential property having six or less dwelling units. Condominiums that have six or less condominium units per building are subject to the \$50 fee, each unit shall be responsible for its proportionate share of any fee charged. If a condominium unit is served by its own lateral sewer line, it shall be treated as an individual residence. If an existing sewer lateral program was in effect prior to the effective date of this act, condominium and apartment units not previously enrolled may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is defective.

The act sets forth a guideline for the drafting of the proposition to be put before the voters.

RICHARD MOORE

010303 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Economic Development, S117
 Tourism & Local Government Committee
 020503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 021903 SCS Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent (0811S.09C)
 022403 Reported From S Economic Development, Tourism & Local S290
 Government Committee to Floor w/SCS-Consent
 030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0219

SENATE SPONSOR Steelman

0802S.01I

SB 219 - This act entitles any Korean Conflict veteran (military service beginning June 25, 1950 and ending July 27, 1953) who was honorably discharged and resides in Missouri to receive a medallion, medal and a certificate of appreciation. The Adjutant General shall determine those persons who are eligible for the award. Applications may be filed during calendar year 2004. The "Korean Conflict Veterans' Recognition Award Fund" is created and shall be used to fund the design, manufacture and distribution of the medallions, medals and certificates.

DONALD THALHUBER

010303 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Financial & Governmental S117
 Organization, Veterans' Affairs & Elections Committee
 012703 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 022403 Voted Do Pass S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0220
 SCS SBs 212 & 220
 SENATE SPONSOR Bartle

0787S.01I

010303 Prefiled
 010803 S First Read S45
 012203 Second Read and Referred S Pensions & General Laws S117
 Committee
 020403 Hearing Conducted S Pensions & General Laws
 Committee-Consent
 021803 Bill Combined (SCS SBs 212 & 220) S Pensions &
 General Laws Committee

EFFECTIVE : August 28, 2003

SB 0221
 SENATE SPONSOR Steelman

0793S.01I

SB 221 - This act prohibits the Public Service Commission from imposing any restrictions on the provision of high speed Internet or broadband service. The act also requires local telephone companies to provide unbundled access to their network only to the extent specifically required by FCC regulations.
 CINDY KADLEC

010603 Prefiled
 010803 S First Read S46
 012203 Second Read and Referred S Commerce & Environment S117
 Committee
 021103 Hearing Conducted S Commerce & Environment Committee
 021703 Hearing Conducted S Commerce & Environment Committee
 Continued from 2-11-03

EFFECTIVE : August 28, 2003

SB 0222

SENATE SPONSOR Steelman

0773S.01I

SB 222 - This act creates the "County Crime Reduction Fund" which allows county commissions to create a fund to be expended for the following purposes:

- (1) Narcotics investigation, prevention, and intervention;
- (2) Purchase of law enforcement equipment and supplies for the sheriff's office;
- (3) Matching funds for federal or state law enforcement grants;
- (4) Funding for the reporting of all state and federal crime statistics or information; and
- (5) Any law enforcement related expense reasonably related to investigation, preparation, trial and disposition of criminal cases.

This act also provides that courts may consider ordering restorative justice methods if the imposition or execution of a misdemeanor sentence is suspended, and may order payment of up to \$1,000 to the County Crime Reduction Fund. The court may also order such a payment as a condition of probation.

This act is identical to SB 1195 (2002).
RICHARD MOORE

010603	Prefiled	
010803	S First Read	S46
012803	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S143
021203	Hearing Conducted S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0223

SENATE SPONSOR Foster

0694S.01I

SB 223 - This act changes the procedures for the licensing of auctioneers. Current law provides for the licensing of auctioneers by counties. This act creates a State Board of Auctioneers in the Division of Professional Registration within the Department of Economic Development. The Board oversees the examination and licensing of persons engaged in the practice of auctioneering.

The act will not apply to certain persons listed in Section 343.392, RSMo. The Board collects fees that will be deposited

into the State Board of Auctioneers Fund for administrative purposes. The Board will annually collect a fee of fifty dollars from each applicant and licensee to fund a subaccount of the Board. The subaccount will be used to compensate individuals aggrieved by the actions of a licensee.

This act is substantially similar to SCS/SB 1088 (2002).
JIM ERTLE

010603 Prefiled
010803 S First Read S46
012303 Second Read and Referred S Financial & Governmental S128
Organization, Veterans' Affairs & Elections Committee
020303 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0224
SCS#2 SB 224
SENATE SPONSOR Vogel

0860S.05C

SCS/SB 224 - This act authorizes the State to convey a permanent easement of state property located in Callaway County to the City of Fulton. The Commissioner of Administration is responsible for setting the terms and conditions of the sale of the property.

RICHARD MOORE

010603 Prefiled
010803 S First Read S46
012203 Second Read and Referred S Economic Development, S117
Tourism & Local Government Committee
012903 Hearing Conducted S Economic Development, Tourism, &
Local Government Committee-Consent
020503 SCS Voted Do Pass S Economic Development, Tourism &
Local Government Committee-Consent (0860L.03C)
021003 Reported from S Economic Development, Tourism & S202
Local Government Committee to Floor w/SCS-Consent
021303 Removed from S Consent Calendar S227
021903 Committee Vote Reconsidered S Economic Development,
Tourism & Local Government Committee
021903 SCS#2 Voted Do Pass S Economic Development, Tourism &
Local Government Committee-Consent (0860S.05C)
022403 Reported From S Economic Development, Tourism & Local S290
Government Committee to Floor w/SCS#2-Consent
030303 S Consent Calendar w/SCS#2 (2/24)

EFFECTIVE : Emergency Clause

SB 0225

SENATE SPONSOR Klindt

0647S.01I

SB 225 - This act enumerates the rights of persons with service animals. The act provides the necessary definitions relating to service animals, such as "major life activity", "physical or mental impairment", and "service animal" (Section 209.200).

The act prohibits discrimination in the sale or rental of a dwelling on the basis that a service animal will be residing or visiting the dwelling. Reasonable accommodations should be made. Landlords may require proof of a disability and proof of service animal status. No restriction on property or a real estate transaction will be enforceable if it prohibits service animals. Restrictions on pets will not apply to service animals. The refusal to engage in a residential real estate transaction due to a person's use of a service animal is prohibited (Section 209.202).

The act prohibits an employer from discriminating against a person with a disability by directly or indirectly interfering with the person's use of a service animal. Employers may require proof of a disability and proof of service animal status. No employer may prohibit the presence of a service animal, unless the presence of the animal creates a direct threat or fundamentally alters the nature of the business (Section 209.204).

The act prohibits any person from requiring additional charges or any place of accommodation from denying equal services to a person using a service animal. Identification cards or other written documentation, the presence of a harness, tags, or credible verbal assurances will be considered evidence of the disability and that the animal is a service animal. A service animal's access may be restricted or denied if its presence poses a direct threat or fundamentally alters the nature of the business. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.206).

The act prohibits any mode of public transportation from refusing service or charging additional fees to a person using a service animal. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.208).

Motor vehicle drivers and persons using service animals must both take necessary safety precautions. Any driver failing to take such precautions will be liable for actual damages. Any person who intentionally causes an accident or injury to a person

using a service animal will be guilty of a class B misdemeanor (Section 209.211).

Section 209.212 contains the following provisions for violations against service animals:

Intentional destruction or injury, unless for humane purposes, is a class C felony.

- Intentional deprivation or fraud is a class A misdemeanor and will not prohibit other charges of theft and possession of stolen property.

- Negligent or malicious killing or injury will result in civil liability to the user for \$1000 + fees.

- Willful or malicious injury is a class C felony.

- Sale or transfer of a stolen animal is a class C felony.

- Willful or negligent injury or destruction will result in civil liability for the value of the service animal and any related costs.

Any person misrepresenting an animal as a service animal will be guilty of a Class B misdemeanor (209.214).

The owner of a service animal or service animal in training will be liable for any damages caused by the animal. Owners must keep service animals restrained while in use or be subject to civil liability for any damages. Service animals must be identifiable (209.216).

The Human Rights Commission will have jurisdiction over violations of specified sections. Upon a showing that a complaint has been filed with the Commission, a prosecutor may withdraw any pending action concerning the same violations. The act does not exclude existing civil or criminal remedies (Section 209.218).

This act contains a severability clause.

This act is identical to SB 878 (2002).

LORIE TOWE

010702 Prefiled

010803 S First Read

S46

012803 Second Read and Referred S Aging, Families, Mental & Public Health Committee

S143

EFFECTIVE : August 28, 2003

SB 0226

SENATE SPONSOR Klindt

0771S.01I

SB 226 - This act exempts motorcyclists age 21 and older

from wearing a helmet when operating a motorcycle or motortricycle. Under current law, everyone operating a motorcycle or motortricycle must wear a helmet.

This act is substantially similar to SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

010702 Prefiled
010803 S First Read S46
012303 Second Read and Referred S Transportation Committee S128

EFFECTIVE : August 28, 2003

SB 0227

SCS SB 227

SENATE SPONSOR Cauthorn

0878S.03C

SCS/SB 227 - Under this act, the maximum posted speed limit in any second, third, or fourth classification county shall not exceed 55 miles per hour. If the county commission does not mark the road with signs indicating the designated speed limit, the speed limit shall be 45 miles per hour by default.

STEPHEN WITTE

010702 Prefiled
010803 S First Read S46
012303 Second Read and Referred S Transportation Committee S128
021103 Hearing Conducted S Transportation Committee
021803 SCS Voted Do Pass S Transportation
Committee-Consent (0878S.03C)
022403 Reported From S Transportation Committee to S298
Floor w/SCS-Consent
022703 Removed from S Consent Calendar

EFFECTIVE : August 28, 2003

SB 0228

SENATE SPONSOR Griesheimer

0643S.01P

SB 228 - This act enables the City of Warrenton to levy a room tax on hotels and motels of between 2% and 5% per night. The governing body of the city shall select the tax rate within this range and shall submit the tax to its qualified voters for approval. The ballot language provided for this tax is the ballot language provided in current law for hotel taxes of this type. The proceeds from this tax will be dedicated to the promotion of tourism.

JEFF CRAVER

010702 Prefiled
 010803 S First Read S46
 012203 Second Read and Referred S Economic Development, S117
 Tourism & Local Government Committee
 012903 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 020503 Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent
 021003 Reported from S Economic Development, Tourism & S202
 Local Government Committee to Floor-Consent
 021903 S Third Read and Passed - Consent S264
 022003 H First Read

EFFECTIVE : August 28, 2003

SB 0229

SENATE SPONSOR Bray

0864S.01I

SB 229 - This act makes various changes to economic development programs relating to distressed communities and small business investment tax credits.

The act:

- (1) Changes the definition of a community development corporation to stress industrial, economic, entrepreneurial, commercial and civic development of projects that benefit low-income individuals and communities;
- (2) Lowers the investment requirement of principal owners of Missouri small businesses eligible for investment from 50% of the business to 35% of the business;
- (3) Eliminates the designation of a "target area" for purposes of identifying areas of poverty by the Department of Social Services;
- (4) Increases the maximum percentage of investment ownership allowed in a small business to qualify for a tax credit from 50% to 65%;
- (5) Reduces the time period requirement for investment in a small business from 5 years to 3 years and excludes any sale, change of control, or the going public of a business from the minimum period of time for investment for purposes of the small business investment tax credit program;
- (6) Reduces the percentage of employees required to be located at a business contained within distressed communities

from 75% to 60% and increases the maximum number of employees at a business contained within a distressed community from 100 to 150 to qualify for the distressed communities tax credit program;

(7) Allows the leasing of certain technology equipment to qualify as an expense for purposes of obtaining a tax credit;

(8) Increases the allowable tax credit percentage of the amount of qualified contribution to a qualified fund for purposes of tax credits for contributions to innovation centers from 50% to 75%;

(9) Allows any unused credits for these tax credit programs from the previous year to be added to any statewide caps for these programs in future years;

(10) Expands the availability of follow-up capital to include businesses which have previously received follow-up capital within the last 3 years for purposes of tax credits for contributions to innovation centers;

(11) Requires the Department of Economic Development to pursue a revocation of the tax credits only from the original applicant for the tax credit.

(12) expands the definition of a "distressed community" relating to tax credits for investment in or relocating a business to a distressed community. A distressed community will include areas within metropolitan statistical areas that are designated as either a federal empowerment zone, a federal enhanced enterprise community, or state enterprise zones designated prior to January 1, 1986, but will not include the expansion of those zones done after March 16, 1988.

This act contains an emergency clause.

This act is similar to SB 1023 (2002).

JEFF CRAVER

010803 S First Read

S47

011303 BILL WITHDRAWN

S69

EFFECTIVE : Emergency Clause

SB 0230

SENATE SPONSOR Bray

0832S.01I

SB 230 - Under this act, property separated by easements or rights-of-way shall be considered contiguous for transportation development district purposes.

Under the act, districts formed by property owners need not contain contiguous properties if:

1. The petition provides that the sole funding method is a sales tax;
2. A court finds that all the property within the proposed district will benefit district projects;
3. Each parcel within the district is within 5 miles of every other parcel.

ALTERNATIVE METHOD OF CREATING A DISTRICT - This act provides an alternative method for forming a transportation development district. The act allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a transportation development district. The proposed district area shall be contiguous and may contain all or any portion of a county or city. The act outlines the requirements of the petition.

The act allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The act also provides that the district may impose a funding mechanism other than a sales tax if approved by the voters within the district. The act sets forth the requirements of who may sit on the board of directors of the alternatively formed district.
STEPHEN WITTE

010803 S First Read	S47
012303 Second Read and Referred S Transportation Committee	S128
022503 Hearing Conducted S Transportation Committee	

EFFECTIVE : August 28, 2003

SB 0231

SENATE SPONSOR Caskey

0890S.01I

SB 231 This act requires any statement of a defendant made during a custodial interrogation to be presumed inadmissible as evidence in a criminal proceeding unless: (1) the interrogation is electronically recorded; (2) prior to the statement, but during the recording, the accused was read his or her Miranda rights and those rights were knowingly waived; (3) the recording device was accurate and unaltered; (4) all voices on the recording are identified; and (5) the defendant's attorney is provided with a copy of all recordings no later than 20 days before the date of the proceeding.

The state may rebut the presumption of inadmissibility that the statement was voluntary and reliable and there was good cause not to tape the interrogation.

A statement by the accused as a result of custodial interrogation is admissible if the statement was obtained in another state in compliance with the laws of that state or the statement was obtained by federal law enforcement officials in compliance with federal law.

All electronic recordings must be preserved through final appeals or until prosecution of the offense is barred by law.

This act only applies to custodial interrogations of persons suspected of committing a felony.

SARAH MORROW

010803 S First Read	S47
012303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S128

EFFECTIVE : August 28, 2003

SB 0232

SENATE SPONSOR Cauthorn

0895S.01P

SB 232 This act authorizes the Department of Natural Resources to convey state property in Thousand Hills State Park to James Lyons. Consideration for the conveyance shall be the conveyance of property owned by Mr. Lyons to the Department of Natural Resources.

JIM ERTLE

010803 S First Read	S51
012203 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S117
012903 Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003 Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S202
021903 S Third Read and Passed - Consent	S264
022003 H First Read	

EFFECTIVE : August 28, 2003

SB 0233

SCS SBs 248, 100, 118, 233, 247, 341, & 420

SENATE SPONSOR Foster

0859S.02I

010903 S First Read S58
 012303 Second Read and Referred S Pensions & General Laws S128
 Committee
 021103 Hearing Conducted S Pensions & General Laws Committee
 022503 Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341,
 & 420) S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0234

SENATE SPONSOR Quick

0931S.01P

SB 234 - This act allows Clay County to open or operate a concession stand at a privately operated marina. The act also requires the county to pay full market value for any property or equipment it acquires.

This act has an emergency clause.
 SARAH MORROW

010903 S First Read S58
 012303 Second Read and Referred S Economic Development, S128
 Tourism & Local Government Committee
 020503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 020503 Voted Do Pass S Economic Development, Tourism &
 Local Government Committee
 022003 Reported From S Economic Development, Tourism & S278
 Local Government Committee to Floor
 022603 SA 1 to SCS S offered & adopted (Caskey)
 022603 Perfected, as amended
 022603 Reported Truly Perfected S Rules Committee
 022703 S Third Read and Passed - EC adopted
 022703 H First Read (w/EC)

EFFECTIVE : Emergency Clause

SB 0235

SENATE SPONSOR Quick

0715S.01P

SB 235 - This act provides that the calculation of the limit for local government indebtedness as outlined in the Missouri Constitution shall include the additional value added to an area as a result of a TIF redevelopment project in such area. The County Assessor is instructed to include such value when making entries in the assessor's book.

JEFF CRAVER

010903 S First Read	S58-59
012303 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S128
012903 Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003 Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S202
021903 S Third Read and Passed - Consent	S264-265
022003 H First Read	

EFFECTIVE : August 28, 2003

SB 0236

SENATE SPONSOR DePasco

0862S.01I

SB 236 - This act creates a one-dollar check-off for the Workers Memorial fund to be put on each tax return filed after January 1, 2004. Taxpayers will be able to donate one or more dollars of a refund claimed to the fund. Taxpayers can also send a check or other negotiable instrument designated to the fund with their tax return.

This act is similar to SB 883 (2002).
JEFF CRAVER

010903 S First Read	S59
012303 Second Read and Referred S Ways and Means Committee	S128
021103 Hearing Conducted S Ways and Means Committee	
022503 Voted Do Pass S Ways & Means Committee	

EFFECTIVE : August 28, 2003

SB 0237

SCS SB 237

SENATE SPONSOR Russell

0902S.01I

SCS/SB 237 - This act allows persons or corporations to sponsor or conduct a fishing contest on any lake in Missouri without obtaining authorization or approval from the Department of Conservation if the following conditions are met:

- (1) The contest is part of a multi-state fishing contest;
- (2) There is only one tagged fish per lake with a value of less than one million dollars;
- (3) The fish is tagged by the sponsor in the presence of a representative from the department of conservation;
- (4) There is no fee or consideration required to enter the contest;

- (5) Participants must have a fishing license; and
 (6) The contest shall last no more than 30 days.

RICHARD MOORE

010903 S First Read S59
 012203 Second Read and Referred S Economic Development, S117
 Tourism & Local Government Committee
 012903 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 022603 SCS Voted Do Pass S Economic Development, Tourism, &
 Local Government Committee-Consent (0902S.02C)

EFFECTIVE : August 28, 2003

SB 0238

SCS SB 238

SENATE SPONSOR Caskey

0806S.02C

SCS/SB 238 - This act provides that any unincorporated area having a private 18 hole golf course community and at least a 100 acre lake within Cass county may incorporate as a city regardless of any proposed annexation of the area by certain cities. Any attempt of a city to annex the unincorporated area shall not be effective until after the voters of the unincorporated area fail to approve the proposed incorporation of the area as a city.

This act exempts any proposed city, town or village located within Cass county from the prohibition against a proposed municipality being organized within two miles of the limits of certain existing cities.

This act contains an emergency clause.

JIM ERTLE

011303 S First Read S65
 012303 Second Read and Referred S Economic Development, S128
 Tourism & Local Government Committee
 020503 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 021903 SCS Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent (0806S.02C)
 022403 Reported From S Economic Development, Tourism & Local S290
 Government Committee to Floor w/SCS-Consent
 030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0239

SCS SB 239

SENATE SPONSOR Mathewson

0982S.04P

SCS/SB 239 - This act authorizes the Governor to convey the National Guard Armory in Sedalia to the Sedalia School District Foundation if a bid of at least \$99,990 is not received by the Office of Administration within six months of opening of the public sale. If no bid is received, consideration for the conveyance to the Sedalia School District shall be one dollar.
RICHARD MOORE

011303 S First Read S65
012303 Second Read and Referred S Economic Development, S128
Tourism & Local Government Committee
012903 Hearing Conducted S Economic Development, Tourism &
Local Government Committee - Consent
021203 SCS Voted Do Pass S Economic Development, Tourism &
Local Government Committee-Consent
021703 Reported From S Economic Development, Tourism & Local S234
Government Committee to Floor w/SCS-Consent
022603 SCS S adopted
022603 S Third Read and Passed - Consent
022703 H First Read

EFFECTIVE : August 28, 2003

SB 0240

SENATE SPONSOR Mathewson

0940S.01I

SB 240 - This act allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates. To obtain these plates, the individual will pay \$15 in addition to regular registration fees. This act also removes the requirement from the U.S. VET motorcycle plate provision that the person must have served during a period of war.
STEPHEN WITTE

011303 S First Read S65
012303 Second Read and Referred S Transportation Committee S128

EFFECTIVE : August 28, 2003

SB 0241

SCS SB 241

SENATE SPONSOR Yeckel

0973S.01I

SCS/SB 241 - This act prohibits the City of St. and any board or commissions in St. Louis from requiring peace officers to reside within the limits of the city, however, the city may require peace officers to live within the state.

Officers may not be discriminated against based on their place of residence. However, political subdivisions may provide incentives to encourage officers to live within the jurisdiction. The provisions of the act shall not apply to the use of department property.

RICHARD MOORE

011303	S First Read	S65
013003	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
021203	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
022603	SCS Voted Do Pass S Economic Development, Tourism, & Local Government Committee (0973S.07C)	

EFFECTIVE : August 28, 2003

SB 0242

SENATE SPONSOR Yeckel

0983S.01I

SB 242 - This act limits the amount of a supersedeas bond an appellant is required to post while an appeal is pending to \$25 million. The court may require an appellant to post a bond equal to the full amount of the judgement if an appellee can prove by a preponderance of the evidence that the appellant is purposefully dissipating assets to avoid judgement.

SARAH MORROW

SCA 1 - CHANGES THE AMOUNT OF A SUPERSEDEAS BOND THAT AN APPELLANT IS REQUIRED TO POST WHILE AN APPEAL IS PENDING FROM \$25 MILLION TO \$50 MILLION

011303	S First Read	S65
012303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S128
020303	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
021703	Voted Do Pass (w/SCA 1) S Judiciary and Civil & Criminal Jurisprudence Committee 0983S01.02S	
022403	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor w/SCA 1-Consent	S289
022403	Motion to return bill to committee - ADOPTED	S298

EFFECTIVE : August 28, 2003

SB 0243

SENATE SPONSOR Yeckel

0919S.01I

SB 243 - This act creates the "State Property Preservation Fund". Moneys in the fund would be used for the purpose of repairing or replacing state-owned or leased property damaged from natural or man-made events.

Subject to appropriations, the fund would pay claims for property loss for state-owned or leased buildings. In order for the fund to make payment for property loss, a notice of coverage must be issued by the Office of Administration for the property and the state must be contractually obligated to provide insurance for such property.

The act limits the aggregate amount of money to be paid out of the fund to not exceed the cost of repairing or restoring the building or the defeasance of outstanding debt secured by the property. Payments from the fund comes only after other insurance policies have been exhausted.

The fund shall satisfy all covenants requiring the state to provide property insurance for state-owned or leased buildings.

This act is similar to SCS/SB 1148 (2002).

JIM ERTLE

011303	S First Read	S65
012303	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S128
020303	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
022403	Voted Do Pass S Financial & Governmental Organization Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0244

SCS SB 244

SENATE SPONSOR Russell

0910S.03C

SCS/SB 244 - This act creates the "Exhibition Center & Recreation Facility District Act". The act enables citizens of Camden, Miller and Morgan counties to petition to create an exhibition center & recreation facility district. At least fifty property owners in the county must sign the petition.

The petition must include the petitioners names, a description of the district's boundaries, and the name of the

proposed district. Once the petition is filed, the governing body may approve a resolution to the create the district. Following a public hearing, the governing body may adopt an order establishing the proposed district.

A board of trustees is created to administer any district created and the expenditure of revenue that accompanies such district. The governing body of each county within the district shall appoint four residents from the portion of the county within the district to serve on the board. The board will have the power to have a seal, sue and be sued, enter into contracts or other agreements affecting the affairs of the district, to borrow money, to issue bonds, to acquire and dispose of real and personal property, to refund bonds without an election, to manage the affairs of the district, to hire agents, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-half of one percent. The act includes ballot language to that effect. The act also includes the creation of a fund to receive such sales tax revenue and instructs the director of revenue to authorize disbursements to the district. The tax shall be reduced automatically to a rate of one-tenth of one percent after twenty-five years unless an extension is voted upon by the voters in the district.

This act makes a technical change to delete the requirement that the treasurer make the disbursements in the case of an overpayment, as such is not required for non-state funds.

This act is similar to HB 144 (2003).
JEFF CRAVER

011303 S First Read	S65
012303 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S128
012903 Hearing Conducted S Economic Development, Tourism & Local Government Committee	
021203 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee	(0910S.03C)

EFFECTIVE : August 28, 2003

SB 0245

SENATE SPONSOR Shields

0326S.02I

SB 245 - Under current law, excursion gambling boat proceeds deposited in the Gaming Proceeds for Education Fund (beyond the amount transferred to the School District Bond Fund) are directed to the State School Moneys Fund to be distributed through the

foundation formula.

Under this act, beginning in fiscal year 2005, any increase in the funds transferred (during fiscal year 2004) from the Gaming Proceeds for Education Fund shall be transferred, on a monthly basis, to the Classroom Trust Fund.

The Classroom Trust Fund will finance school construction, teacher recruitment and professional development, technology enhancements, and school safety. The moneys in the Classroom Trust Fund will be distributed to each district on a per-eligible-pupil basis and are exempt from certificated salary compliance. The Classroom Trust Fund will also receive all unclaimed lottery prize money.

This act is similar to HB 1521 (2002).
DONALD THALHUBER

011303 S First Read	S65
012303 Second Read and Referred S Education Committee	S128

EFFECTIVE : August 28, 2003

SB 0246

SCS SB 246

SENATE SPONSOR Steelman

0728S.07P

SCS/SB 246 - This act revises provisions regarding the Public Service Commission.

The act removes the limitation on the residence of Commissioners, however, Commissioners would still be required to live within the State. After the effective date of the act, members of the Public Service Commission and technical advisory staff are prohibited from establishing, maintaining, or contributing a committee subject to the Campaign Finance Disclosure Committee. Those members who had such a campaign committee established prior to the effective date of the act may maintain the account but may make no deposits or expenditures from the account. The member will also be required to disclose the existence of the account prior to the initial hearing on all matters and in writing to all litigants. This portion of the act is similar to SB 116 (2003).

The act gives the PSC Commissioners authority to have a technical advisory staff. This staff would consist of a pool of up to six full time employees and each Commissioner could hire up to one personal advisor. Before these employees could be hired the Commission would have to correspondingly eliminate comparable positions within Commission staff to accommodate the hiring of the technical advisory staff such that there would be no net gain

of employees to the PSC as a whole and at a cost neutral level. Technical advisory staff must be hired by July 1, 2004. The technical advisory staff would render advice and assistance to the Commissioners and provide relevant updates to the Commission. Each of the technical advisory staff would be subject to the same ex parte communication and conflict of interest requirements as the Commissioners. No person could be hired as part of the technical advisory staff within two years of employment with certain divisions of the PSC, corporations regulated by the PSC or the Office of Public Counsel. The technical advisory staff will never be a party to proceedings before the PSC.

The act also delineates standards for the PSC regarding ex parte communications. Commissioners may confer with members of the public, any public utility or similar commission and the act sets for the procedural guidelines for these communications.

The act allows telecommunications companies to offer term agreements of up to five years on its telecommunications services. Telecommunications companies are also permitted to offer discounted rates and promotions to new or former customers.

This act requires 90 days advance written notice prior to a disconnection of water service. In Boone, Randolph, and Howard counties, but not the City of Columbia water service to a residence shall not be disconnected unless the noncurrent outstanding bill amount exceeds \$50. Water service to a residence may not be disconnected unless a notice is sent to the customer by certified mail and must include the proposed action, date of proposed action, cost of reconnection, reason for the action, amount of the arrearage, address where payment can be sent, any actions which the residential customer may take to prevent the disconnection, and contact information for the customer to call. This portion of the act is similar to SB 339 (2003).

The Public Service Commission is allowed to establish a pilot program to consider ability to pay as a factor in setting utility rates and establishing programs for low-income residential utility customers. The Commission may also require public utilities to provide information on the coordination of other programs and other bill related information. This portion of the act is similar to SB 127 (2003), SB 1234 (2002), and HB 1875 (2002).
CINDY KADLEC

011303 S First Read	S65
012303 Second Read and Referred S Commerce and Environment Committee	S128
012803 Hearing Conducted S Commerce & Environment Committee	
013003 SCS Voted Do Pass S Commerce & Environment Committee (0728S.07C)	

013003	Reported From S Commerce & Environment Committee to Floor w/SCS	S157
021003	SA 1 to SCS S offered (Goode)	S203-204
021003	Bill Placed on Informal Calendar	S204
021703	SSA 1 for SA 1 to SCS S offered (Gibbons)	S237
021703	SA 1 to SSA 1 for SA 1 to SCS S offered & adopted (Jacob)	S237
021703	SSA 1 for SA 1 to SCS, as amended, S adopted	S237
021703	SA 2 to SCS S offered & adopted (Gross)	S237-240
021703	SA 3 to SCS S offered (Jacob)	S240-242
021703	SA 1 to SA 3 to SCS S offered & adopted (Jacob)	S242
021703	SA 3 to SCS, as amended, S adopted	S242
021703	SA 4 to SCS S offered & defeated (Bland)	S242
021703	SA 5 to SCS S offered & ruled out of order (Griesheimer)	S242-243
021703	SA 6 to SCS S offered & adopted (Dougherty)	S243
021703	SCS, as amended, S adopted	S243
021703	Perfected	S243
021803	Reported Truly Perfected S Rules Committee	S255
022003	S Third Read and Passed	S280
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0247

SCS SBs 248, 100, 118, 233, 247, 341, & 420
SENATE SPONSOR Dolan

0903S.02I

011303	S First Read	S65
012303	Second Read and Referred S Education Committee	S128
020403	Re-referred S Pensions & Generals Laws Committee	S170
021103	Hearing Conducted S Pensions & General Laws Committee	
022503	Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341, & 420) S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0248

SCS SBs 248, 100, 118, 233, 247, 341, & 420
SENATE SPONSOR Gross

0858S.02I

SCS/SBs 248, 100, 118, 233, 247, 341 & 420 - This act
revises various provisions regarding retirement systems and
benefits.

KANSAS CITY POLICE AND CIVILIANS RETIREMENT SYSTEMS - This act
provides active members of the system who are on the retirement
board with up to 10 days paid leave to be able to attend meetings
and educational seminars approved by the retirement board.

The act authorizes the retirement board and the city to administer early retirement incentives offered to employees in addition to other benefits such members may be entitled to. However, the city shall agree to increase its contribution to provide for the full actuarial costs of the early retirement incentives.

The act also adds a funeral benefit of \$1,000 for members as of August 28, 2003, who die in service or who die after retiring.

These provisions are similar to SB 342 (2003).

MSEP, MSEP 2000 AND HTEHPRS - This act changes the eligibility age for retirement from 50 to 48 for the Missouri State Employees Retirement System and the Highway and Transportation Employees' and Highway Patrol Retirement System.

These provisions are similar to SBs 100 & 118 (2003).

MEDICAL INSURANCE RETIREMENT INCENTIVE FOR STATE EMPLOYEES - This act provides a medical insurance incentive for state employees to retire. Employees who retire after January 1, 2003, and prior to January 1, 2003, and who are eligible for medical coverage, will be eligible to have portion of the cost of the insurance covered by the state. The retiree may elect to continue coverage for themselves and eligible dependents. The State of Missouri would continue to contribute the same dollar amount in effect for active employees as of the retiree's date of retirement. If the retiree's rate category changes after the date of retirement, the state's contribution shall be the same dollar amount in effect for the new rate category for active employees that was in effect on the retiree's date of retirement. The total amount of the state contribution will revert to the amount being paid by the state for retirees which is in place at that time if the retiree becomes eligible for Medicare, turns 65, or if the amounts that would otherwise be paid by the state under the provisions of the bill are less than the amount currently paid by the state towards the cost of retiree and dependent coverage.

The act also allows Central Missouri State University, Southeast Missouri State University, Southwest Missouri State University, Northwest Missouri State University, Missouri Western State College, Missouri Southern State College, Harris-Stowe State College, Linn State Technical College, Lincoln University, the Highway and Transportation Commission of the Department of Transportation and the Conservation Commission of the Department of Conservation to offer similar benefits to their employees.

While the State may hire employees to replace those retiring under the medical insurance incentive, in no event shall the state fill more than 25% of the positions vacated.

The benefits provided to retirees in this act will cease

immediately upon the retiree being re-employed either full-time or part-time in a state covered position. The benefit is available to those retiring under the normal age and service requirements and does not apply to elected officials, member of the general assembly and administrative law judges.

These provisions are similar to SB 462 (2003).

PUBLIC SCHOOL AND NON TEACHER RETIREMENT SYSTEMS (SB 233) - This act revises provisions of the public school and non-teacher retirement systems. The act specifies that the contribution rate shall be fixed by the board and certified to the employer. The level rate of contribution for any fiscal year may not exceed the prior year's rate of contribution by more than one half percent. However, no new benefits may be offered until the rate of contribution is reduced back to 10 and one-half percent. These provisions are similar to SB 233 (2003).

The act simplifies credit purchases under PSRS and NTRS systems. Payment for credit purchases must be completed prior to termination of membership with the retirement system. The act clarifies that the member must have covered employment with the retirement system following the purchase credit. The act also defines the calculation of payment for such credit purchases. These provisions are similar to SBs 233 & 247 (2003).

The act creates a partial lump sum option for PSRS and NTRS members whose age plus creditable service equal at least 86 or whose creditable service is at least 33 years. The election to receive a partial lump-sum distribution must be made at least 30 days prior to retirement. The member may make such election in a 12, 24 or 36 month increment of their entire retirement benefit. These provisions are similar to SBs 233 & 247 (2003).

The act extends the 25 and out provisions for PSRS and NTRS for five additional years from July 1, 2003 to July 1, 2008. These sections have an emergency clause. This provision is similar to SBs 233 & 247 (2003).

This act would allow school districts with a shortage of certified teachers or non-certificated employees to hire retirees for up to two years without them losing their retirement benefits. The total number hired will not exceed 10% or five certificated teachers or employees. Retired certificated teachers hired would be included in the State Directory of New Hires. The employer contributions would be made by the hiring school district eliminating fiscal impact. All necessary costs would be paid by the hiring school district and would not exceed the district's statutory cost limitations. In order to hire teachers and non-certificated employees to fill such shortage the school district is required to make certain findings which are specified. These provisions are similar to SB 247 (2003).

The act also changes the ability of a member to elect to continue to be a part of the school insurance program. Members must make this election within one year of the date last employed by the district. These provisions are similar to SB 247 (2003).

ALJ AND LEGAL ADVISOR'S RETIREMENT SYSTEM - This act provides that any Administrative Law Judge or Legal Advisor who is originally employed as such on or after January 1, 2004, are no longer eligible to participate in the Administrative Law Judge and Legal Advisor's Retirement System but rather are covered under the state employees' retirement system. However, no Administrative Law Judge or Legal Advisor who is employed before January 1, 2004, or who has retired before that date will be affected by this act.

The liabilities and assets of the Administrative Law Judge's and Legal Advisor's retirement system are transferred and combined with the state employees' retirement system. The contribution rate certified by the board shall include amounts necessary to cover the costs of the Administrative Law Judge's and Legal Advisor's retirement system.

CINDY KADLEC

011303	S First Read	S65
012303	Second Read and Referred S Pensions & General Laws Committee	S128
020403	Hearing Conducted S Pensions & General Laws Committee	
021103	Voted Do Pass S Pensions & General Laws Committee	
022503	Committee Vote Reconsiderd S Pensions & General Laws Committee	
022503	SCS Voted Do Pass (SCS SBs 248, 100, 118, 233, 247, 341, and 420) S Pensions & General Laws (0858S.04C)	

EFFECTIVE : Emergency Clause

SB 0249

SENATE SPONSOR Shields

0871S.01I

SB 249 - This act makes various changes to the law concerning economic development of distressed communities.

The act expands the definition of a "distressed community" in the law relating to tax credits for investment in or relocating a business to a distressed community. A distressed community will include areas within metropolitan statistical areas that are designated as either a federal empowerment zone, a federal enhanced enterprise community, or state enterprise zones designated prior to January 1, 1986, but will not include the expansion of those zones done after March 16, 1988.

The act also modifies provisions of the Rebuilding Communities and Neighborhood Preservation Act, in that it:

- (1) Expands the definition of "eligible residence" to include certain condominiums, entire apartment buildings, or single apartments within an apartment building;
- (2) Expands the definition of "new residence" to include separate adjacent single-family units;
- (3) Expands the definition of "project" to include the new construction, rehabilitation, or substantial rehabilitation of multiple residences, whether comprised of one structure containing multiple single-family residences (e.g., an apartment building) or multiple individual structures (e.g., townhouses or individual homes), in addition to single residences;
- (4) Corrects the definition of "qualifying residence" so that it accurately references census blocks groups within metropolitan statistical areas;
- (5) Clarifies the term "nonmetropolitan statistical area" as any county not located in a metropolitan statistical area;
- (6) Limits the tax credits available for the rehabilitation and construction of residences in distressed communities and census blocks to \$1.5 million for projects commenced after August 28, 2002. Under current law, of the \$16 million in community improvement tax credits allowed, \$8 million are to be allocated for "eligible residence" programs and \$8 million for "qualifying residence" programs; the act provides that if, by October 1 of the calendar year, the Director of the Department of Economic Development has issued all \$8 million of the credits allowed for one of these programs and has not issued the entire \$8 million allowance for the other program, the director is required to reallocate 70% of any unused tax credits from the program which has not reached its \$8 million cap to the one which has; the reallocated credits will be given to taxpayers who have applied for, but have not received, tax credits in that same year and who are engaged in projects in the area where the tax credit cap has been met for that same year; the maximum reallocated tax credit for any project may not exceed \$500,000;
- (7) Increases the value of the "eligible residence" tax credit from 15% of eligible costs up to \$25,000 to 20% of eligible costs up to \$40,000 but does not raise the annual cap for this tax credit;
- (8) Increases the value of the "qualifying residence" tax credit from 15% of eligible costs up to \$40,000 to 20% of eligible costs, up to \$40,000, but does not raise the annual cap for this tax credit; and
- (9) Allows one application for tax credits to be submitted to the department for preliminary approval in the case of projects involving the new construction, rehabilitation, or substantial rehabilitation of more than one residence; tax credits will be awarded upon final approval of an application and presentation of acceptable proof that substantial construction of each individual residence has been completed, rather than delaying issuance of the tax credits until the entire project is substantially complete.

This act is similar to HCS/HB 1143 (2002).
JEFF CRAVER

011403 S First Read S73
013003 Second Read and Referred S Ways and Means Committee S158
020403 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0250

SENATE SPONSOR Stoll

0156S.01I

SB 250 - This act authorizes Jefferson County to levy a sales tax of up to one-half percent. Twenty-five percent of the revenue from this tax shall go to a County Prosecuting Attorney's Office Trust Fund, to be used by the county prosecuting attorney's office. The remainder of the revenue shall be deposited in the Law Enforcement Sales Tax Trust Fund for the county.

The act has an emergency clause and a referendum with ballot language.

JEFF CRAVER

011403 S First Read S74
012303 Second Read and Referred S Economic Development, S128
Tourism & Local Government Committee
020503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee
021903 Voted Do Pass S Economic Development, Tourism & Local
Government Committee-Consent
022403 Reported From S Economic Development, Tourism & Local S290
Government Committee to Floor-Consent
030303 S Consent Calendar (2/24)

EFFECTIVE : Emergency Clause

SB 0251

SENATE SPONSOR Childers

0850S.01I

SB 251 - This act provides a sales tax exemption for retailers who donate inventory to private or public elementary or secondary schools and approved private or public institutions of higher learning.

This act is identical to SB 755 (2002).

JEFF CRAVER

011403 S First Read S74
 012303 Second Read and Referred S Education Committee S128

EFFECTIVE : August 28, 2003

SB 0252

SENATE SPONSOR Steelman

0915S.01I

SB 252 - This act authorizes the Board of Fund Commissioners to issue additional bonds for grants and loans pursuant to several sections in Article III of the Missouri Constitution which are administered by the Clean Water Commission and relate to water, sewer and stormwater projects. This act authorizes additional bonds in addition to amounts authorized prior to August 28, 2004.

CINDY KADLEC

011403 S First Read S74
 012303 Second Read and Referred S Commerce and Environment S128
 Committee
 021103 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0253

SCS SB 253

SENATE SPONSOR Steelman

0734S.04C

SCS/SB 253 - This act creates the Missouri Downtown Economic Stimulus Act. The provisions of the act shall not be construed to provide funding for sports stadiums or related facilities. Powers in the act are to be exercised by authorities created in the act.

A Downtown Economic Stimulus Authority is created in each municipality upon the enactment of an ordinance establishing a development area in accordance with the act. Each Authority will be governed by a Board of Commissioners which will consist of between 5 and 14 members with staggered terms of three years. Commissioners will be appointed by the mayor or chief executive. One of the Commissioners will be appointed by the school district or districts within the development area for a term of three years. In addition to the Commissioners, a non-voting advisor shall be appointed by the other taxing districts located within the development area.

The powers of the Authority shall be exercised by its Board of Commissioners and powers of the authority are specified. The Authority shall be a public body corporate and politic. Powers granted to the authority are specified, excluding the right to acquire property by eminent domain. Certain information must be included in a development plan.

The act allows Kansas City to enact an ordinance establishing a fund for the purpose of providing funds to a community development corporation. The Community Development Corporation Revolving Fund is created. A board to administer the fund is created. Funding is provided from 5% of the state sales tax increment portion from other net new revenues generated from projects certified for state supplemental downtown development financing.

Prior to the adoption of the ordinance designating the development area, adopting a development plan or adopting a development project, the authority must hold a public hearing. Projects must be located in the central business district. Projects must also cost specified amounts as well as create certain numbers of new jobs depending on the size of the municipality.

A municipality may adopt development financing for the development project area and a special allocation fund for the deposit of certain taxes from the development area to be apportioned or diverted pursuant to the Real Property Tax Increment Allocation Redevelopment Act if all or a part of the development project area becomes subject to tax increment financing. The definition of "baseline year" provides that if state withholding tax revenues and sales tax revenues from businesses other than out-of-state businesses locating in the area decrease in the year following adoption of the ordinance, the baseline year shall be the year after.

The municipality may submit the development plan to the Missouri Development Finance Board for approval of the use of tax increment financing and if submitted must contain certain information. The municipality may request certain information from the Department of Revenue which must be provided within 45 days of the request. The General Assembly may annually appropriate the lesser of the tax increment increase plus \$50 million or \$150 million into the state supplemental downtown development fund which is created.

The act establishes a Missouri Downtown Economic Stimulus Act Joint Legislative Committee which will consist of ten members of the General Assembly, five from each body.

The Authority must make a report to the Director of the Department of Economic Development by the end of February each year. The Director shall then compile a report for submission to

the Governor and General Assembly.

Every five years after the establishment of a development plan, the governing body of the authority must hold a public hearing. The Director of the Department of Economic Development shall provide information and technical assistance as requested by any municipality.

CINDY KADLEC

011403	S First Read	S74
013003	Second Read and Referred S Commerce and Environment Committee	S158
021103	Hearing Conducted S Commerce & Environment Committee	
022503	SCS Voted Do Pass S Commerce & Environment Committee (0734S.04C)	
022703	Reported From S Commerce & Environment Committee to Floor w/SCS	
030303	006 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2003

SB 0254

SENATE SPONSOR Goode

0978S.02I

SB 254 - This act increases the cigarette tax to twenty-eight and one-half mills per cigarette, or fifty-seven cents per pack. This act also increases the tax on tobacco products other than cigarettes to twenty-three and one-half percent.

The increased revenue from these two tax changes shall be deposited in the general revenue fund.

JEFF CRAVER

011403	S First Read	S74
012303	Second Read and Referred S Ways and Means Committee	S128
020403	Hearing Cancelled S Ways & Means Committee	

EFFECTIVE : Voter Approval

SB 0255

SENATE SPONSOR Kinder

0896L.01P

SB 255 - This act eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives whose consumers are its stockholders. The Public Service Commission will still have oversight regarding items affecting the safety and health of employees, services provided outside the boundaries of the

cooperatives, changes in suppliers of permanent service, and territorial agreements.

CINDY KADLEC

011503	S First Read	S83
012303	Second Read and Referred S Commerce and Environment Committee	
020403	Hearing Conducted S Commerce & Environment Committee	
020403	Voted Do Pass (w/SCA 1) S Commerce & Environment Committee-Consent (0896L01.01S)	
021003	Reported From S Commerce & Environment Committee to Floor w/SCA 1-Consent	S203
021903	SCA 1 S adopted	S268
021903	S Third Read and Passed, as amended - Consent	S268
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0256

SENATE SPONSOR Goode

0863S.01I

SB 256 - This act provides that if a jury is unable to unanimously agree on the imposition of the death penalty, then the judge shall declare the punishment to be life imprisonment without eligibility for probation, parole or release except by act of the Governor. The jury shall be so instructed before the case is submitted.

The provisions of this act shall only govern offenses committed after August 28, 2003.

JIM ERTLE

011503	S First Read	S83
012303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S128

EFFECTIVE : August 28, 2003

SB 0257

SENATE SPONSOR Steelman

0847S.02I

SB 257 - This act creates the Missouri Patients' Compensation Fund. This fund provides excess medical malpractice coverage to healthcare providers who participate in the fund. Health care providers must carry primary medical malpractice coverage with another insurer. The amount of the primary coverage will be established by the Director of the Department of

Insurance by rule. When determining the minimum level of medical malpractice insurance, the Director shall consider the health care provider's area of practice, past risk experience, or any other relevant factors. The fund will be administered by a Patients' Compensation Board housed within the Department of Insurance. The board will consist of the Director of the Department of Insurance and nine other members representing health care providers, insurance companies, trial attorneys and the public. All health care providers will be required to pay annual membership fees. In addition to these fees, the director will levy a premium surcharge on each health care provider's medical malpractice insurance policy. The surcharge will be collected from the insurance companies when they receive the medical malpractice insurance premiums from the health care providers.

A person may recover from the fund if the person names the fund as a party in the lawsuit. The fund will only pay moneys to the aggrieved party if his or her damages exceed the health care provider's primary level of coverage. The fund may appear as a party in the action. The fund may retain counsel to defend itself. Insurers must provide an adequate defense of the fund in any action and must act in a fiduciary relationship with respect to any claim affecting the fund.

NOTICE OF PREMIUM INCREASES (Section 383.324) - This act also prohibits insurers who issue medical malpractice policies from increasing premiums without providing 90 days written notice.

STEPHEN WITTE

011503 S First Read

S83

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0258

SENATE SPONSOR Steelman

1023S.01I

SB 258 - This act modifies the law regarding transportation development districts. Under this act, special assessments against property owners within a transportation development district shall constitute a lien and shall be enforceable in the same manner as a real estate tax lien. A default in the payment of one annual special assessment payment shall not accelerate the due date of subsequent annual special assessment payments. Under this act, no suit to set aside or contest special assessments may be brought more than 90 days after the initial notice of the assessment.

STEPHEN WITTE

011503 S First Read S83
012303 Second Read and Referred S Transportation Committee S128

EFFECTIVE : August 28, 2003

SB 0259

SENATE SPONSOR Steelman

1011S.01I

SB 259 - This act imposes additional surcharges and driver's license suspensions on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. In addition to the normal penalties, a person violating this act which results in physical injury will be assessed a surcharge \$200 and may have his or her driver's license suspended for 30 days. If a serious physical injury results, a \$500 surcharge will be imposed and a 90 day license suspension may be imposed. If the violation leads to a fatality, an additional \$1,000 surcharge is assessed and a six month license suspension may be imposed. The additional surcharges are deposited in the motorcycle safety trust fund.

This act is similar to SB 1077 and HB 1534 (2002).
STEPHEN WITTE

011503 S First Read S83-84
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0260

SENATE SPONSOR Stoll

0937S.01I

SB 260 - This act modifies appropriation procedures for community college districts.

In addition to funds for operating purposes, each community college district would be eligible to receive an annual appropriation, exclusive of any capital appropriations, for the cost of maintenance and repair of facilities and grounds, as well as the purchase of equipment and furniture.

The act also allows capital appropriations to be excluded from the rule that states that these annual appropriations shall not exceed ten percent of the state appropriations to community college districts for operating purposes during the most recently completed fiscal year.

This act is identical to SB 813 (2002).
DONALD THALHUBER

011503 S First Read S84
012303 Second Read and Referred S Education Committee S128
021103 Hearing Conducted S Education Committee
021803 Voted Do Pass S Education Committee

EFFECTIVE : August 28, 2003

SB 0261

SENATE SPONSOR Clemens

1041S.01I

SB 261 - This act allows members of the Missouri Foxtrotting Horse Breed Association to obtain specialized license plates. After making a \$25 contribution to the association, the member may obtain the specialized license plate by paying \$15 in addition to regular registration fees. The plate shall bear the words "FOXTROTTER - STATE HORSE".

This act is identical to HB 170 (2003).
STEPHEN WITTE

011503 S First Read S84
012303 Second Read and Referred S Transportation Committee S128

EFFECTIVE : August 28, 2003

SB 0262

SENATE SPONSOR Clemens

0358S.01I

SB 262 - This act exempts social security benefits as well as public and private pensions and retirement benefits from Missouri income tax. Under the current law, a portion of these retirement benefits are exempted, with limitations on the amount of the exemption and those who qualify for the exemptions. This act removes those limitations and provides that after December 31, 2003, all of such retirement benefits shall be included as a subtraction to federal adjusted gross income on the Missouri personal income tax return.

JEFF CRAVER

011503 S First Read S84
012303 Second Read and Referred S Ways and Means Committee S128

EFFECTIVE : January 1, 2004

SB 0263

SENATE SPONSOR Jacob

0060S.01I

SB 263 This act allows the sealing of court records when the court imposes a suspended sentence and the person successfully completes any court-ordered probation. Once the records are sealed or closed, the arrest, charges, conviction or guilty plea cannot be used for impeachment purposes. A person will not be guilty of perjury if, in a later case, the person fails to disclose the existence of the sealed record.

This act is identical to SB 1142 (2002).
SARAH MORROW

011503 S First Read	S84
012303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S128
022403 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0264

SCS SB 264

SENATE SPONSOR Shields

0952S.02C

SCS/SB 264 - This act asserts that any school district which receives less money under the formula than it did during the previous year shall not be obligated to comply with the salary compliance provisions of Section 165.016, RSMo. The act prescribes that the district must have unrestricted fund balances in the combined incidental and teacher funds on June 30th of the preceding year which is equal to or less than seventeen percent of the combined expenditures for the preceding year from these funds as a condition for said non-compliance.

This act contains an emergency clause.
DONALD THALHUBER

011503 S First Read	S84
012303 Second Read and Referred S Education Committee	S128
020403 Hearing Conducted S Education Committee	
021103 SCS Voted Do Pass S Education Committee (0952S.02C)	
022703 Reported From S Education Committee to Floor w/SCS	
030303 008 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : Emergency Clause

SB 0265

SS SCS SB 265

SENATE SPONSOR Shields

0574S.10P

SS/SCS/SB 265 - This act directs the State Board of Education to offer the following levels of professional certificates of license to teach: an initial professional certificate, a renewable professional certificate, and a career continuous professional certificate.

Possessors of the four year, initial professional certificate shall:

- Participate in a mentoring program approved and provided by the district for a minimum of two years;
- Complete thirty contact hours of professional development, which may include hours spent in class in an appropriate college curriculum; and
- Participate in a beginning teacher assistance program provided by the school district which shall include annual, performance-based teacher evaluations and participation in a teacher professional development plan.

Possessors of the renewable professional certificate shall:

- Complete at least sixty contact hours of professional development during the renewal period, which may include hours spent in class in an appropriate college curriculum;
- Participate in a teacher professional development plan administered by the district; and
- Complete four years of teaching under the renewable certificate.

The career continuous professional certificate shall:

- Be issued upon verification of completion of criteria, which shall not exceed a master's degree or national board (or other equivalent) certification; and
- Be continuous based upon verification of actual employment in an educational position.

In order to reactivate the career continuous professional certificate, the possessor must complete twenty-four contact hours of professional development within the six months prior to or after reactivating the certificate.

Anyone who holds, as of August 28, 2003, a valid PC-I, PC-II, or continuous professional certificate shall be issued the appropriate level of certification based upon the aforementioned classification system.

The State Board may assess a fee (not to exceed the combined costs of issuance and any required criminal background check) for the issuance of the career continuous professional certificate.

The act allows a teacher who has not been employed in an educational position for three years or more to reactivate their last level of certification by completing twenty-four contact hours of professional development six months prior to or after reactivating their certificate.

The act mandates that the state board grant, upon an appropriate background check, a teaching certificate aligned with an applicant's current area of certification, commensurate with the years of teaching experience, to any person who is hired to teach in a public school in this state and who possesses a valid teaching certificate from another state. Further, this act removes a provision from Section 161.092, RSMo, which articulates a similar, yet conflicting, policy in this regard.

Also, this act adds "enticement of a child" and "attempting to entice a child" to the list of sexual offences for which a certificate of license to teach may be either revoked or not issued.

DONALD THALHUBER

011503 S First Read	S84
012303 Second Read and Referred S Education Committee	S129
012803 Hearing Conducted S Education Committee	
020403 SCS Voted Do Pass S Education Committee (0574S.06C)	
020603 Reported From S Education Committee to Floor w/SCS	S186
021303 Bill Placed on Informal Calendar	S222
022603 SS for SCS S offered (Shields) (0547S.10F)	
022603 SA 1 to SS for SCS S offered (Shields)	
022603 SSA 1 for SA 1 to SS for SS S offered & adopted (Caskey)	
022603 SA 2 to SS for SCS S offered & adopted (Kennedy)	
022603 SS for SCS, as amended, S adopted	
022603 Perfected	
022603 Reported Truly Perfected S Rules Committee	
022703 Referred S Governmental Accountability & Fiscal Oversight Committee	
030303 001 S Calendar S Bills for Third Reading (In Fiscal)	

EFFECTIVE : August 28, 2003

SB 0266

SENATE SPONSOR Shields

1024L.01P

SB 266 - This act requires the Department of Mental Health to develop a plan to address the needs of persons who are on a waiting list for services. The plan must emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials. The

plan shall include:

- A method for reducing the waiting period ninety days;
- A description of available services;
- An evaluation of the capacity to serve more individuals;
- A method of adjusting support and service levels based on individual needs;
- A method for determining when out-of-home twenty-four hour care is necessary;
- A description on how the plan will be implemented;
- Any necessary changes to state law;
- An analysis of the monetary effects to providing services to all eligible individuals and their families.

The act requires the plan to be completed by November 1, 2003. The Director of the Department must submit a copy to the General Assembly and the Governor.

LORIE TOWE

011503	S First Read	S84
012303	Second Read and Referred S Aging, Families & Mental & Public Health Committee	S129
012903	Hearing Conducted S Aging, Families & Mental & Public Health Committee	
013003	Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent	
021003	Reported From S Aging, Families, Mental & Public Health Committee to Floor-Consent	S203
021903	S Third Read and Passed - Consent	S268-269
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0267

SENATE SPONSOR Shields

0951S.01I

SB 267 - This act alters the criteria Department of Elementary and Secondary Education employs for designating a school, or school district, as "priority". Currently, one such criterion is school districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the State Board of Education based upon the statewide assessment system (Section 160.510, RSMO.) This act alters that standard to school districts or school attendance centers that do not meet any of the performance criteria established by the State Board of Education for the Missouri school improvement program.

DONALD THALHUBER

011503 S First Read S84
012303 Second Read and Referred S Education Committee S129

EFFECTIVE : August 28, 2003

SB 0268

SENATE SPONSOR Loudon

0169S.02I

SB 268 - This act grants early consideration of any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery shall be suspended pending a final decision on the motion. This act also mandates that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party will be awarded. If the court finds the motion to dismiss is frivolous, the court shall award costs and attorney fees to the prevailing party. If a party raises the motion under the provisions of this act, the party shall have the right to an expedited appeal.

JIM ERTLE

011503 S First Read S84
012303 Second Read and Referred S Judiciary & Civil & S129
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0269

SCS SB 269

SENATE SPONSOR Quick

1050S.02C

SCS/SB 269 - This act enables the governing body of Excelsior Springs in Clay County to submit to its qualified voters a ballot question authorizing a one-half cent sales tax. The revenue from such tax must be used for public safety purposes. Several uses are specifically included in the act, but the list is not all inclusive.

The Department of Revenue will collect the tax and submit it to the city treasurer. The act contains contingencies for when, if ever, the sales tax is abolished, or when, if ever, any erroneous payments or overpayments are made.

This act has an emergency clause and ballot language.
JEFF CRAVER

011503 S First Read S84

012303 Second Read and Referred S Economic Development, S129
Tourism & Local Government Committee
021203 Hearing Conducted S Economic Development, Tourism
and Local Government Committee
021903 SCS Voted Do Pass S Economic Development, Tourism &
Local Government Committee-Consent (1050S.02C)
022403 Reported From S Economic Development, Tourism & Local S290
Government Committee to Floor w/SCS-Consent
030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : Emergency Clause

SB 0270

SENATE SPONSOR Foster

0833S.01I

SB 270 - This act creates the Highway Patrol Trust Fund.
The fund is financed by a five-dollar surcharge on motor vehicle
or trailer licenses renewed on an annual basis and a ten dollar
surcharge on licenses renewed on a biennial basis.

This act has an emergency clause.
STEPHEN WITTE

011503 S First Read S84
012303 Second Read and Referred S Transportation Committee S129
020403 Hearing Conducted S Transportation Committee

EFFECTIVE : Emergency Clause

SB 0271

SENATE SPONSOR Jacob

0059S.01I

SB 271 - This act imposes an additional tax of 3 cents on
diesel fuel (making the motor fuel tax on diesel 20 cents per
gallon). Based on last year's figures, a 3 cent tax on diesel
would generate approximately \$27.348 million dollars of which
\$19.144 million would go to the state.

This act raises registration fees on beyond local commercial
motor vehicles by approximately 30%. This act raises fee for
trip permits from \$10 to \$14.50. This act raises the fee for
issuing or renewing a commercial driver's license from \$40 to
\$60. This act also raises the fee for a duplicate CDL from \$20
to \$30.

This act limits trucks registered over 48,000 pounds to 65
mph on rural freeways and interstates. The current law on rural
interstates is 70 mph. A person operating a truck in excess of

65 mph shall be fined a fine of \$100 for every five miles in which the operator exceeds 65 mph in addition to all other fines and court costs imposed for the speeding violation.

This act requires the Division of Motor Carrier and Railroad Safety to charge a docket fee of \$200.

STEPHEN WITTE

011503 S First Read S84
012303 Second Read and Referred S Transportation Committee S129

EFFECTIVE : August 28, 2003

SB 0272

SENATE SPONSOR Bland

0690S.02I

SB 272 - This act makes various modifications relating to tax credits for distressed communities. With regard to the Rebuilding Communities and Neighborhood Preservation Act, the act:

(1) Expands the definition of "eligible residence" to include condominiums, entire apartment buildings, or single apartments within an apartment building, and includes Kansas City as a possible location for such residences;

(2) Expands the definition of "new residence" to include separate adjacent single-family units regardless of whether or not these units are located in a distressed community, and includes Christian and Greene Counties as a possible location for new residences meeting the definition of such term under the current law;

(3) Expands the definition of "project" to include the new construction, rehabilitation, or substantial rehabilitation of multiple residences, whether comprised of one structure containing multiple single-family residences or multiple individual structures, in addition to single residences;

(4) Expands the definition of "qualifying residence" to include Kansas City;

(5) Increases the value of the eligible residence tax credit from 15% of eligible costs to 20% of eligible costs, and increases the credit from \$25,000 over 10 years to \$40,000 over 10 years;

(6) Increases the value of the qualifying residence tax credit from 15% of eligible costs to 20% of eligible costs up to \$40,000 over 10 years;

(7) Modifies the definition of "multiple unit condominium" to enable properties which have received a certificate of existence of dangerous building to fit within the scope of the definition.

JEFF CRAVER

011503 S First Read S84
013003 Second Read and Referred S Ways and Means Committee S158

EFFECTIVE : August 28, 2003

SB 0273

SENATE SPONSOR Bland

1045S.01I

SB 273 - This act extends the sunset date on the Kansas City public mass transportation sales tax from December 31, 2003 to December 31, 2005. This act also allows Kansas City to use moneys from the public mass transportation trust fund for intracommunity transit services conducted by the interstate transportation authority.

This act is identical to HB 122 (2003).
STEPHEN WITTE

011503 S First Read S84
012303 Second Read and Referred S Transportation Committee S129

EFFECTIVE : August 28, 2003

SB 0274

SENATE SPONSOR Caskey

1109S.01I

SCS/SB 274 - This act mandates insurance coverage for children's hearing aids to the age of 19. This mandated coverage will be required in all health policies issued or renewed after January 1, 2004. Insurers are prohibited from requesting hearing acuity information from the insureds. The mandated coverage does not apply to certain types of policies such as supplemental insurance policies or specified disease policies. The act describes what type of hearing aids are covered. Policies subject to this act must provide replacement hearing aids for the child at least every three years.

A health insurer or health benefit plan subject to this mandate may not limit the benefits payable for hearing aids to less than \$1,250 per hearing aid for each ear with a hearing

loss. An insured may choose a hearing aid higher than the benefit payable and may pay the difference between the price of the hearing aid and the benefit payable.

This act is similar to SB 838 (2002).
STEPHEN WITTE

011603	S First Read	S95-96
012303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S129
021903	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
022003	SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee	(1109S.02C)

EFFECTIVE : August 28, 2003

SB 0275

SENATE SPONSOR Russell

1001S.01I

SB 275 This act repeals the authority of the Governor to convey certain tracts of land owned by the state in Cole County to either the General Services Administration or the Missouri Development Finance Board.

JIM ERTLE

011603	S First Read	S96
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S129
012903	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S202
030303	S Consent Calendar (2/10)	

EFFECTIVE : August 28, 2003

SB 0276

SENATE SPONSOR Jacob

1099S.02I

SB 276 - This act repeals the \$500 gaming loss limit contained in Section 313.805, RSMo.

Further, this act directs any increase in the Gaming Proceeds for Education Fund during fiscal years 2004 through 2008

to the Educational Job Retraining Fund, established by this act within the State Treasury. The Educational Job Retraining Fund will be administered by the Department of Economic Development and will provide educational job training and tuition assistance for unemployed or underemployed Missouri residents who were employed in this state on a full-time basis for a minimum of three consecutive years immediately prior to losing their jobs due to job elimination during adverse economic conditions.

Beginning in fiscal year 2009 and for each fiscal year thereafter, any increase (from base fiscal year 2003) in the Gaming Proceeds for Education Fund shall be transferred to: the Missouri College Guarantee Fund; the Higher Education Academic Scholarship Program; and school districts pursuant to the Foundation Formula.

DONALD THALHUBER

011603 S First Read	S96
013003 Second Read and Referred S Ways and Means Committee	S158
022503 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0277

SENATE SPONSOR Jacob

1043S.01I

SB 277 - This act excuses anyone actively engaged in the practice of optometry (optometrists) from jury duty.

SARAH MORROW

011603 S First Read	S96
012303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S129
022403 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0278

SENATE SPONSOR Steelman

0794S.02I

SCS/SB 278 - This act allows electrical corporations to recover reasonably and prudently incurred costs for natural gas and purchased electrical energy through energy adjustment rate schedules. The schedules who must be filed with the commission and may be implemented in conjunction with a general rate proceeding or without a general rate proceeding.

An electrical corporation must to submit to a general rate proceeding to determine the level of fuel costs contained in the base rates prior to the initial establishment of the adjustment rate schedules and must submit to a general rate proceeding every three years if they choose to use the energy adjustment rate schedules. During that proceeding the Commission may consider the sensibility of the fuel costs and purchased power costs. The Commission is authorized to adjust the electrical corporations rate of return on equity in any general rate proceeding to compensate for the reduction in risk resulting from the fuel adjustment mechanism. Electrical corporations shall not avoid any rate freeze conditions or other conditions that are a part of any settlements of any general rate proceeding.

Changes in the rate schedules may be made as frequently as every 30 days. A "true-up" procedure similar to the purchase gas recovery for gas corporation will be used to remedy over-collections. Only certain electrical and natural costs which are specified are recoverable. If an electrical corporation has adjustment rate schedules on file with the PSC, they must also submit an energy adjustment report to the PSC by the 15th of each month.

The method for calculating the adjustment rates is specified in a calculation provided in the act. Adjustment rate schedules which are filed with the PSC must include detailed records, workpapers, and calculations for the PSC to make a determination on the level of the energy adjustment rate. Copies of such records must also be provided to the Office of Public Counsel. The adjustment rate schedules will be come effective 30 days after filing and are not subject to suspension by the PSC. Such filings shall be considered on an expedited basis and the procedure for handling such filings is specified.

This act contains and emergency clause.
CINDY KADLEC

011603	S First Read	S96
012303	Second Read and Referred S Commerce and Environment Committee	S129
012803	Hearing Conducted S Commerce & Environment Committee	
020403	SCS Voted Do Pass S Commerce and Environment Committee	(0794S.04C)

EFFECTIVE : Emergency Clause

SB 0279

SENATE SPONSOR Scott

0834S.01I

SB 279 - This act requires those who setup or install manufactured homes to be licensed. Any person desiring to obtain a setup contractor license must submit a written application. The applicant must be at least 18 years of age, pass an examination, provide proof of workers' compensation insurance, carry general liability insurance in amount determined by the Public Service Commission, and complete a minimum 8-hour training course. A direct agent of a licensed contractor is not required to be licensed. The Commission may waive certain requirements if the applicant is licensed in another jurisdiction. In certain circumstances, the Commission may issue a limited permit. Any person engaged in the business of manufactured home setup or installation on August 28, 2003, shall be exempt until December 31, 2004, from complying with the training and examination requirements of the act.

A setup contractor license shall be renewed annually. The Commission may grant inactive status to a licensee. A licensee is required to notify the commission if the licensee cancels its liability coverage or workers' compensation coverage. The Commission may refuse to renew, suspend or revoke a license if the licensee is guilty of unprofessional conduct.

Persons who falsely hold themselves out as licensed contractors, use a suspended or revoked license, or otherwise engage as a setup contractor without a license are guilty of a misdemeanor.

Political subdivisions of this state shall not require an additional license to engage in the setup or the installation of manufactured homes.

Setup contractors are required to purchase setup decals from the commission and must affix the decals to the manufactured home upon setup.

STEPHEN WITTE

011603	S First Read	S96
012803	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S143
021703	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0280

SENATE SPONSOR Scott

0410S.04I

SB 280 - This act enacts several tort reform measures.

SEAT BELT VIOLATIONS - Under this act, the failure to wear a seat belt shall be considered as evidence of comparative negligence in a lawsuit. The failure to wear a seatbelt can also be admitted to mitigate damages without introducing expert evidence proving that the failure to wear the belt contributed to the injuries.

COLLATERAL SOURCE RULE - This act modifies the collateral source rule by adding the plaintiff's employer, workers' compensation insurer, and other insurance companies to the list of persons or entities in which the defendant can introduce evidence of payment. If the defendant introduces collateral source evidence, the defendant will not waive his or her right to a credit for any payments the defendant may have made to the plaintiff. Under current law, any introduction of collateral source evidence constitutes a waiver of any right to a credit against a judgment.

VENUE SHOPPING - This act requires courts to dismiss or transfer venue of any cause of action which has accrued outside of the county in which the court is located if there is another forum with jurisdiction of the parties and in which venue is proper and which the trial can be conveniently held taking into account the following factors:

1. The location where the cause of action accrued;
2. The location of witnesses other than retained experts, wherever located, and health care providers whose principal office is more than 100 miles from the residence of the plaintiff;
3. The residence of the parties.

A party may file a motion to transfer venue to a more convenient forum within 90 days after the last day allowed for the filing of a party's answer. A party who files an action in a county other than a county where one or more defendants reside or where the cause of action accrued shall bear the burden that the forum where the cause of action is pending is more convenient than a forum in which one or more defendants reside or where the cause of actions accrued. If the court finds a more convenient forum, the court shall grant the motion and transfer the case to the more convenient forum of dismiss the action so it can be filed in another state.

If the action is dismissed, and the cause of action is filed in another state with proper jurisdiction within six months of the order of dismissal, the defendants shall accept service of process in the other state. If the plaintiff files the action in another state within six months of the dismissal order, and the statute of limitations has ran when the action is filed in the other state, the defendants shall waive the statute of limitations as a defense for that time period. If a defendant fails to abide by these conditions, the plaintiff's cause of actions shall be reinstated in the court which dismissed the action. Alternatively, if the court in the other forum refuses

to accept jurisdiction, the plaintiff may, within 30 days of the final order refusing jurisdiction, reinstate the action in the court which dismissed the cause of action.

This section requires the court clerk transferring a case to a more convenient forum to certify and transfer all original papers and orders to the new forum.

PUNITIVE DAMAGES - This act limits punitive damages in all actions tried before a jury to three times the liability of the defendant for compensatory damages.

SUPERSEDAS BONDS - This act establishes a \$25 million limit on supersededas bonds. This limit shall not apply if the appellee proves that the appellant is purposely dissipating assets outside the ordinary course of business to avoid payment of the judgment. If that is proven, the court may require a bond equal to the full amount of the judgment.

STATUTE OF LIMITATIONS - This act modifies the law regarding when a minor can bring a cause of action for medical malpractice. Under current law, a person less than 18 years of age has until the age of 20 to bring a cause of action. This act states that a minor less than six years of age has until his or her eighth birthday to bring the cause of action.

JOINT AND SEVERAL LIABILITY - This act repeals the current doctrine of joint and several liability and limits liability to the percentage of fault attributed to each defendant by the trier of fact.

NONECONOMIC DAMAGES - This act limits noneconomic damages in tort actions to \$250,000.

MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP - This act lowers the cap on noneconomic damages from \$350,000 to \$250,000 and removes the provision of the law which subjects the cap to periodic inflation increases. This act also removes the words "per occurrence" to ensure that there is a single cap, and not multiple caps per incidents of medical malpractice as held by the court in *Scott v. SSM Healthcare*.

DAMAGE CAPS FOR TRAUMA CARE - This act would impose a \$50,000 damage cap on claims arising out of the provision of trauma or emergency room care.

CAP ON CONTINGENCY FEES - This act would limit attorney's contingency fees in medical malpractice actions to 33% of the first \$50,000 recovered; 25% of the next \$50,000, 15% of the next \$500,000; and 10% of any amount exceeding \$600,000. In no case shall an attorney collect fees, charges, or any other costs which in the aggregate total more than 33% of the total charges.

AFFIDAVIT OF MERIT - This act would require (current law is discretionary) a court to dismiss any medical malpractice claim for which the plaintiff fails to file an affidavit stating that he or she has obtained the written opinion of a health care provider which states that the defendant failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure caused the plaintiff's damages. The provision also requires the expert to be licensed and actively practicing in the same specialty as the defendant.

BENEVOLENT GESTURES - This act would make statement, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person involved in an accident inadmissible as evidence in a civil action. Statements of fault, however, shall not be inadmissible.

LOSER PAYS - This act would require the losing party in a medical malpractice action to pay the prevailing party's attorney fees and costs.

MEDICAL MALPRACTICE PUNITIVE DAMAGES - This act limits punitive damages in medical malpractice actions to cases where the defendant's actions were due to evil motive or reckless indifference. Punitive damages are capped at two times the total actual damages.

MANDATORY INSURANCE COVERAGE - This act provides that health carriers and hospitals cannot require physicians to carry professional liability insurance as a condition of contracting or granting hospital staff privileges. This act also removes the provision of the law which requires hospitals located within counties having more than 75,000 inhabitants to carry medical malpractice insurance in the minimum amount of \$500,000.
STEPHEN WITTE

011603	S First Read	S96
012703	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S137
021003	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
021203	Hearing Continued S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0281

SCS SB 281

SENATE SPONSOR Shields

1055S.03C

SCS/SB 281 - This act allows any first class county to

acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice.
RICHARD MOORE

011603	S First Read	S96
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S129
012903	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S202
021303	Removed from S Consent Calendar	S227
021903	Committee Vote Reconsidered S Economic Development, Tourism & Local Government Committee	
021903	SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent (1055S.03C)	
022403	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS-Consent	S290
030303	S Consent Calendar w/SCS (2/24)	

EFFECTIVE : August 28, 2003

SB 0282

SENATE SPONSOR Shields

1039S.01P

SB 282 - This act changes the maximum amount of time a County Commission of a first class county may issue a lease or concession grant for certain public facilities from five years to seven years. Further, this act changes the maximum amount of time a County Commission of a first class county may operate such facilities without seeking bids when no private operators are interested or available.

RICHARD MOORE

011603	S First Read	S96
012303	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S129
012903	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	
020503	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021003	Reported from S Economic Development, Tourism & Local Government Committee to Floor-Consent	S202
021903	S Third Read and Passed - Consent	S266
022003	H First Read	

EFFECTIVE : August 28, 2003

SB 0283

SENATE SPONSOR Klindt

1056S.01I

SB 283 - Section 135.766, RSMo, containing the Small Business Tax Credit for Guaranty Fees in its entirety, was repealed by the General Assembly in SB 894 (2000). The Missouri Supreme Court then found that bill to be in violation of the clear title requirement in the Constitution. Thus, the Small Business Tax Credit for Guaranty Fees was never repealed and is still part of our laws. However, once SB 894 passed, the Revisor of Statutes removed the section from the printed version of the Revised Statutes. The Revisor is not authorized to re-publish a section of law that has been repealed by the legislature even if the Supreme Court has overturned that repeal. This act would serve to have the section re-published in the RSMo, but will not cause any substantive change to the current law.

JEFF CRAVER

011603	S First Read	S96
012303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S129
020503	Hearing Conducted S Small Business, Insurance & Industrial Relations Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0284

SENATE SPONSOR Loudon

0967S.02I

SB 284 - This act modifies the legal expense fund to include any licensed attorney in this state that practices law for no compensation at or through a tax exempt nonprofit community social services center. The aggregate of any payments from the legal expense fund shall be limited to a maximum of \$500,000 for all claims based upon the same act or acts alleged in a single cause and shall not exceed \$500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the legal expense fund shall also be limited to \$500,000.

Any claim or judgment against such an attorney shall be paid by the legal expense fund to the extent damages are allowed in tort actions for improper health care. Liability or malpractice insurance possessed by an attorney shall not be considered available for payment of a claim to the extent that the legal expense fund is required to make payment. However, an attorney may obtain liability or malpractice insurance for coverage of claims or judgments for amounts that exceed the maximum coverage of the legal expense fund.

The Attorney General shall promulgate rules regarding contract procedure and the documentation of legal practice for attorneys covered by this act.

JIM ERTLE

011603 S First Read	S96
012303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S129

EFFECTIVE : August 28, 2003

SB 0285

SENATE SPONSOR Dougherty

0965S.01I

SB 285 - This act repeals the authority of the Gaming Commission to enforce a \$500 maximum loss per person per gambling excursion.

This act is similar to HB 147 (2003).
JIM ERTLE

011603 S First Read	S96
013003 Second Read and Referred S Ways and Means Committee	S158
022503 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0286

SENATE SPONSOR Dougherty

1049S.01I

SB 286 - This act allows metropolitan school districts (the Board of St. Louis Public Schools) the power to raise the compulsory attendance age to seventeen, whereas in all other school districts the compulsory attendance age is sixteen. Such a resolution changing the compulsory attendance age can only take effect after the school year during which the resolution is passed. The act also allows school boards to raise the mandatory age for part-time attendance from fifteen to sixteen.

The act also exempts the parents of home school students above the age of sixteen in the city of St. Louis from the requirements that specify hours of instruction and maintaining certain records (i.e. written record, academic samples, evaluations). Further, the act allows home school educators of students over sixteen in the city of St. Louis to only supply a written statement that the pupil is attending home school as a

defense against any prosecution for educational neglect or violation of the compulsory attendance law.

This act is identical to SB 858 (2002).
DONALD THALHUBER

011603 S First Read	S96
012303 Second Read and Referred S Education Committee	S129
012803 Hearing Conducted S Education Committee	
021103 Voted Do Pass S Education Committee	

EFFECTIVE : August 28, 2003

SB 0287

SENATE SPONSOR Childers

0730S.03I

SCS/SB 287 - This act removes work done on behalf of schools from the requirements of the Prevailing Wage Laws unless a majority of the governing body of the school vote to subject their educational institution to the prevailing wage law.

RICHARD MOORE

011603 S First Read	S96-97
012303 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S129
021203 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
022003 SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee (0730S.04C)	

EFFECTIVE : August 28, 2003

SB 0288

SCS SB 288

SENATE SPONSOR Dolan

1051S.03C

SB 288 - This act changes the time for the owner of lost property to prove property ownership from one year to 90 days after publication.

SARAH MORROW

011603 S First Read	S97
012803 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S143
021703 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
021703 SCS Voted Do Pass S Judiciary and Civil & Criminal	

Jurisprudence Committee-Consent (1051S.03C)
 022403 Reported From S Judiciary & Civil & Criminal S288
 Jurisprudence Committee to Floor w/SCS-Consent
 030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0289

SENATE SPONSOR Dolan

1070S.01P

SB 289 - This act names the portion of Highway 71 within
 Jasper County the "Trooper Charles P. Corbin Memorial Highway".
 STEPHEN WITTE

011603 S First Read S97
 012303 Second Read and Referred S Transportation Committee S129
 020403 Hearing Conducted S Transportation Committee-Consent
 021103 Voted Do Pass S Transportation Committee-Consent
 021703 Reported From S Transportation Committee to S233-234
 Floor-Consent
 022503 S Third Read and Passed - Consent
 022603 H First Read

EFFECTIVE : August 28, 2003

SB 0290

SENATE SPONSOR Gross

0922S.01I

SB 290 - This act allows for the recovery of certain costs
 by utilities through an Infrastructure System Replacement and
 Security Charge (ISRSC).

This act allows gas corporations to file a petition with the
 Public Service Commission to recover costs associated with
 certain infrastructure system replacements two times per year.
 The PSC may not approve a charge if it would produce total
 revenues exceeding 10% of the gas corporation's base revenue
 level or if the water corporation has not had a general rate
 proceeding in the last four years. Petition filing requirements
 are specified in the act. The water corporation is required to
 reconcile the revenues generated with the underlying costs of the
 infrastructure replacements. The PSC is given authority to
 promulgate rules for the implementation of these provisions.

The act also allows electric corporations to recover prudent
 expenditures for security measures. Applications for recovery of
 such items shall be confidential and subject to a protective
 order of the PSC. Electric corporations may also apply to the

PSC to recover unreimbursed costs for capital projects for required relocations.

CINDY KADLEC

011603 S First Read S97
012303 Second Read and Referred S Commerce and Environment S129
Committee
020403 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0291

SENATE SPONSOR Caskey

1124S.01I

SCS/SB 291 - This act creates a tax credit against the private car ad valorem tax. The act enables a freight line company to have a credit equal to the amount of eligible expenses incurred during the immediately preceding calendar year against this tax. The term "eligible expenses" is defined as those incurred in the state to maintain to improve a freight line company's qualified rolling stock. The state will reimburse any political subdivision losing revenue as a result of this act.

JEFF CRAVER

012103 S First Read S102
012703 Second Read and Referred S Ways and Means Committee S137
021803 Hearing Conducted S Ways and Means Committee
022503 SCS Voted Do Pass S Ways & Means Comm. (1124S.02C)

EFFECTIVE : August 28, 2003

SB 0292

SENATE SPONSOR Yeckel

1053S.01P

SB 292 - This act provides that no person, other than the cardholder shall disclose more than the last five digits of a credit card or debit card account number on a sales receipt provided to the cardholder for merchandise sold in this state.

JIM ERTLE

012103 S First Read S102
012703 Second Read and Referred S Financial & Governmental S137
Organization, Veterans' Affairs & Elections Committee
020303 Hearing Conducted S Financial & Governmental Org,
Veterans' Affairs & Elections Committee
021303 Voted Do Pass S Financial & Governmental Organ.,

Veterans' Affairs & Elections Committee - Consent
 021703 Reported From S Financial & Governmental Organization S233
 Veterans' Affairs & Elections Com. to Floor-Consent
 022403 S Third Read and Passed - Consent S292
 022503 H First Read

EFFECTIVE : August 28, 2003

SB 0293

SENATE SPONSOR Vogel

0957S.01I

SB 293 - This act modifies the requirement for filing an income tax return to allow the department of revenue to specify a minimum income greater than the current law's minimum of \$200.
 JEFF CRAVER

012103 S First Read S102
 012703 Second Read and Referred S Ways and Means Committee S137

EFFECTIVE : August 28, 2003

SB 0294

SCS SB 294

SENATE SPONSOR Vogel

0956S.02C

SCS/SB 294 - This act gives the Lottery Commission the authority to require a fingerprint background check on any person seeking employment or employed by the commission. The background check includes a check of the Missouri Criminal Records Repository and gives the Commission the authority to run a national check with the FBI, if the Commission deems it necessary.

The act requires the Gaming Commission to conduct a criminal history check, if the Commission feels it is warranted, on certain key persons seeking issuance or renewal of a bingo equipment and supplies manufacturer or supplier license. The Gaming Commission must also do a criminal history check, if the Commission feels it is warranted, on any person seeking employment with the commission and any person seeking the issuance or renewal of an excursion gambling boat license.

This act is similar to SB 367 (2003) and SB 1220 (2002).
 JIM ERTLE

012103 S First Read S102
 012703 Second Read and Referred S Financial & Governmental S137
 Organization, Veterans' Affairs & Elections Committee

021003 Hearing Conducted S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
022003 SCS Voted Do Pass S Financial & Governmental Organ.,
Veterans' Affairs & Elect. Comm.-Consent (0956S.02C)
022403 Reported From S Financial & Governmental Organization S289
Vet. Affairs & Elections Com. to Floor w/SCS-Consent
030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0295

SENATE SPONSOR Shields

1060S.01I

SB 295 - This act modifies the provisions of the delinquent tax collection laws concerning the sale of lands pursuant to such collections.

The act extends the collection laws to include mineral rights and royalty interests with the scope of items subject to sale to discharge a tax lien.

The act removes the provisions that allow partial sales of land to satisfy taxes.

The act reduces the time that the Treasurer must hold the proceeds from the sale on behalf of absent owners from seven to three years. Where there is no trustee in a county or if there is a trustee that has not taken the property after a third offering of sale where no sale occurred, the collector may then sell property at any time and for any amount.

The act removes the requirement that the collector notify the person entitled to any excess funds from the sale.

The act reduces the redemption time for receiving land purchased at a sale from two years to one.

The act extends the collector's fees to include a title search fees, and allows the collector to charge for the recording fee. When a collector charges for the recording fee he or she is responsible for recording the deed.

The act restricts non-residents or delinquent taxpayers from being assigned certificates of purchase.

JEFF CRAVER

012103 S First Read S102
012703 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
020503 Hearing Conducted S Economic Development, Tourism &

Local Government Committee

EFFECTIVE : August 28, 2003

SB 0296

SCS SB 296

SENATE SPONSOR Griesheimer

1130S.02C

SCS/SB 296 - This act adds a condition to the State Board of Education's authority to classify the public schools of this state. The act states that any rule requirements for the purpose of classifying the public schools must be in place for two years prior to implementation. However, the "two years prior to implementation" condition shall not apply to any requirement for which a time line for adoption is mandated in either federal or state law.

DONALD THALHUBER

012103	S First Read	S102
012703	Second Read and Referred S Education Committee	S137
020403	Hearing Conducted S Education Committee	
021103	SCS Voted Do Pass S Education Committee (1130S.02C)	
021803	Committee Vote Reconsidered S Education Committee	
021803	SCS Voted Do Pass S Education Committee-Consent (1130S.02C)	
022403	Reported From S Education Committee to Floor w/SCS - Consent	S288
030303	S Consent Calendar w/SCS (2/24)	

EFFECTIVE : August 28, 2003

SB 0297

SENATE SPONSOR Griesheimer

0986S.02I

SB 297 - This act provides that a state department, division or agency operating a state facility must allow access to its sewer line to a residential or commercial customer within the same sewer district or municipal sewerage system provided certain conditions are met.

The customer must provide written notice to the state department, division or agency that the customer wishes to connect to the state's sewer line. The state entity must then notify the Division of Design and Construction and either the sewer district or municipal sewerage system of the request. An engineer chosen by the customer with experience in sewer design and construction shall then investigate and report to the division of design and construction and the state entity operating the sewer line on the ability of the sewer line to

satisfactorily process the additional sewage to be generated by the customer. All costs of the engineer shall be paid by the customer.

The Division of Design and Construction shall approve the request for connection unless good cause is demonstrated that the sewer line is unable to satisfactorily process the additional sewage. The sewer district or municipal sewerage system shall approve the request for connection unless it can demonstrate good cause that the sewerage system is unable to satisfactorily process the additional sewage. If the customer is rejected, then appeal lies with the circuit court.

If the customer's request is approved, the customer is responsible for all costs associated with the construction and future maintenance of the connection. The state entity operating the sewer line is authorized to charge a reasonable fee for the connection.

This act will not apply to sewer lines connected to package treatment plants.

JIM ERTL

012103	S First Read	S102
012703	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S137
020303	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
022003	Voted Do Pass S Financial & Governmental Organ., Veterans' Affairs & Elections Committee - Consent	
022403	Reported From S Financial & Governmental Organization Veterans Affairs & Elections Com. to Floor-Consent	S289
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0298

SCS SB 298

SENATE SPONSOR Griesheimer

1128L.01I

SCS/SB 298 - This act removes a provision of the liquor control law which has been found unconstitutional, a board of directors of a school or the managing board of a church may no longer grant a waiver for the sale of intoxicating liquor within one hundred feet of their respective school, church, or other building regularly used as a place of religious worship. However, this provision shall not apply to a holder of a license issued pursuant to Section 311.090, Section 311.218, Section 311.482, RSMo, or a holder of such a license issued prior to January 1, 2004.

The act allows the governing body of any city, town or village by ordinance to prohibit the sale of intoxicating liquor within three hundred feet of a school, church, or other building regularly used as a place of religious worship.

Any person licensed to sell malt liquor containing alcohol in excess of three and two-tenths percent by weight and not in excess of five percent by weight under Section 311.200(2), RSMo, may also sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

A fee of twenty five dollars shall be required of all licensees who may sell malt liquor at retail by the drink for consumption on the premises where sold, pursuant to Section 311.200(3), RSMo. Such license holders may sell malt liquor at retail between the hours of 9:00 a.m. and midnight on Sunday.

The act adds an exemption to the limit of three liquor licenses pursuant to Section 311.260, RSMo, for establishments having at least thirty rooms for the overnight accommodation of transient guests.

The act adds a new subsection to Section 311.280, RSMo, which prohibits a licensed retailer from selling liquor or nonintoxicating beer with an alcohol content below five percent by weight to a customer in an original carton, if the carton has been mutilated, torn apart, or cut apart. Additionally the retailer may not repackage said substance in a misleading manner or if required labeling would be omitted or obscured.

The act combines the subsections of Section 311.290, RSMo, which addresses the prohibition of the sale, gift, or other disposal of intoxicating liquor between the hours of 1:30 a.m. and 6:00 a.m. by a license holder.

The act allows a license holder for the sale of intoxicating liquor to make such sales between the hours of 9:00 a.m. and midnight on sundays upon receipt of a special licenses for such purpose.

The act adds a subsection to Section 311.220 RSMo, which states that a manufacturer-sealed container describing the intoxicating liquor therein need not be opened or tested to verify said liquid is contained therein. An alleged violator may challenge that the contents of the container are not an nonintoxicating liquor, but the burden of proof is on the alleged violator.

The act clarifies that Section 311.328, RSMo, applies only to a valid or unexpired operator's or chauffeur's license.

The act removes subsection 2 of Section 311.360, RSMo, which addresses the sale of malt liquor that is manufactured at a

facility other than that of the individual who's name appears on the label.

The act in section 311.630 RSMo, allows peace officers designated under the director of liquor control to make arrests and searches and seizures related to violations of intoxicating liquor and nonintoxicating beer pursuant to chapters 311 and 312 RSMo. Further they may make such arrests and searches and seizures related to violations of Section 407.924 to 407.934 RSMo, which relate to tobacco products. The act removes the training requirements for such peace officers and only requires that they be appointed, qualified under Section 311.620, RSMo, and hold a valid peace officer license under Chapter 590, RSMo.

The act states that a manufacturer-sealed container of nonintoxicating beer need not be opened or tested to verify said liquid is contained therein. A violator may allege that the contents of the container are not nonintoxicating beer or liquor but the burden of proof is on the alleged violator.

The act under Section 312.410, RSMo, modifies current language and prevents a license holder from selling, giving or permitting consumption of any nonintoxicating beer between the hours of one-thirty a.m., and six a.m. upon or about the license holders premises.

RICHARD MOORE

012103	S First Read	S102
012703	Second Read and Referred S Commerce & the Environment Committee	S137
020403	Re-referred S Economic Development, Tourism & Local Government Committee	S170
021203	Hearing Conducted S Economic Development, Tourism & Local Government Committee	
022603	SCS Voted Do Pass S Economic Development, Tourism, & Local Government Committee	(1128S.05C)

EFFECTIVE : August 28, 2003

SB 0299

SCS SBs 299 & 40

SENATE SPONSOR Champion

0682S.08C

SCS/SBs 299 & 40 This act provides that the Budget Director must develop and implement a performance-based budgeting system that establishes goals and objectives, provides detailed measures of program and fund performance against attainment of planned outcomes, and provides for program evaluation. The Governor may consider outcome measures used for each program and fund as compared with the attainment of the established goals and objectives of the program and fund over the past three fiscal

years in preparing budget recommendations to the General Assembly. The General Assembly shall consider such outcome measures and attainment of goals and objectives for each program and fund in approving appropriation levels for each program and fund.

The Governor's budget recommendations, which are annually submitted to the General Assembly, shall include all outcome measures and attainment of established goals and objectives of each program and fund for the past three fiscal years and the projected outcome measures for each program and fund for the current fiscal year and the next two fiscal years, the most recent reports done by the State Auditor's office, and any evaluations done by the Oversight Division of the Committee on Legislative Research.

The act requires a performance based budgeting review of each department and agency at least once every five years, beginning after January 1, 2005. The chairpersons of the House Budget Committee and Senate Appropriations Committee and the Director of the Division of Budget and Planning shall review the outcome measures used for programs and funds within the department, division or agency being reviewed.

JIM ERTLE

012103 S First Read	S102
012303 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee	S129
012703 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
020303 SCS Voted Do Pass (SCS SBs 299 & 40) S Governmental Accountability & Fiscal Oversight Comm. (0682S.08C)	
020603 Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS	S187
021303 SCS S adopted	S222-223
021303 Perfected	S223
021303 Reported Truly Perfected S Rules Committee	S227
022003 S Third Read and Passed	S280
022003 H First Read	

EFFECTIVE : August 28, 2003

SB 0300

SCS SB 300

SENATE SPONSOR Cauthorn

0737S.05C

SCS/SB 300 - This act regulates the licensing and registration of anesthesiologist assistants.

New definitions are provided relating to anesthesiologist assistants (Section 334.400). An anesthesiologist assistant can

assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient.

Anesthesiologist assistants are prohibited from:

- Prescribing medications;
- Administering any drugs or devices that are beyond the authority of the supervising anesthesiologist;
- Practicing without the supervision or the immediate availability of the supervising anesthesiologist; and
- Billing patients for services.

Anesthesiologist assistants must be clearly identified and addressed as such to prevent them from being mistaken as a physician (Section 334.402).

An anesthesiologist assistant can apply for a license by filling out the appropriate application forms and paying the required application fee as promulgated by the board of healing arts. Upon approval of the application, the Board shall issue a license to be valid for two years (Section 334.404).

A temporary license may be granted upon the payment of a temporary license fee, the submission of all required documents, and the applicant meeting the necessary qualifications. The temporary license shall be valid until the results of the examination are announced (Section 334.406).

A licensed anesthesiologist assistant may apply to the Board to be placed on the inactive status list. An anesthesiologist assistant may return to active status by notifying the Board of the intention to resume the practice, paying the appropriate fees, and meeting all the licensure requirements of the Board (Section 334.408).

A licensed anesthesiologist assistant that wishes to retire must file with the Board an affidavit stating the date of retirement and any other facts necessary to verify retirement (Section 334.410).

Upon the payment of a fee and documentation of all locations of previous practice and licensure, the Board can issue a license to any licensed out-of-state applicant without examination or additional certification. The Board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri (Section 334.412).

The Board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and has paid the required fee. The Board shall have the authority to issue subpoenas and establish guidelines for anesthesiologist assistants. The Board may refuse to issue, suspend, or renew a certificate of registration or license or may file a complaint for any of the outlined causes in this section.

Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to ten years, suspend for up to seven years, or revoke a person's certificate of registration or license. Any person violating any of the provisions of Section 334.400 to Section 334.430 is guilty of a Class A misdemeanor (Section 334.414).

Every licensed anesthesiologist assistant must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to every licensee at their last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt the licensee from penalties (Section 334.416).

Section 334.418 prohibits any person from practicing as an anesthesiologist assistant without a current, valid certificate of registration, with exceptions.

An anesthesiologist assistant must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration (Section 334.420).

All fees will be collected by the Division of Professional Registration and deposited in the Treasury to the credit of the Board of Registration for the Healing Arts Fund (Section 334.422).

An anesthesiologist assistant can only practice under the direct supervision of an anesthesiologist who is physically present or immediately available. The supervising anesthesiologist shall adopt a written practice protocol that delineates the services provided and the manner of supervision. The Board may inspect or audit such written practice protocols (Section 334.424).

Hospitals will have full authority to limit the functions and activities performed by an anesthesiologist assistant (Section 334.426). No person shall portray themselves to the public as a "licensed anesthesiologist assistant", unless they are licensed pursuant to §334.400 to §334.430. Any person found guilty of violating this section will be guilty of an infraction with a maximum fine of \$200 (Section 334.428).

The Advisory Commission for Anesthesiologist Assistants is created and will guide, advise, and make recommendations to the Board. The Commission, comprised of five members, will take effect no later than July 1, 2005. Members may receive up to \$70 per diem. Implementation of the licensing and other statutory requirements shall not take place until money has been appropriated for such purposes and initial rules have become effective (Section 334.430).

This act is identical to HCS/HB 390 (2003).
JIM ERTLE

012103 S First Read S103
012703 Second Read and Referred S Financial & Governmental S137
Organization, Veterans' Affairs & Elections Committee
020303 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
020303 Hearing Recessed S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
021003 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
022403 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee (0737S.05C)
022703 Reported From S Financial & Governmental Organization
Veterans' Affairs & Elections Com. to Floor w/SCS
030303 005 S Calendar S Bills for Perfection w/SCS

EFFECTIVE : August 28, 2003

SB 0301

SENATE SPONSOR Bray

1062S.01P

SB 301 - This act allows municipalities to impose and assess an annual fee of up to \$50, subject to voter approval, on certain residential property to provide funds to pay the cost of certain repairs of lateral sewer service lines. Currently, the maximum fee is \$28 per year and must be assessed on a quarterly basis.
JIM ERTLE

012103 S First Read S103
012703 Second Read and Referred S Economic Development, S137
Tourism & Local Government Committee
021203 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent
021203 Voted Do Pass S Economic Development, Tourism & Local
Government Committee-Consent
021703 Reported From S Economic Development, Tourism & Local S234
Government Committee to Floor-Consent
022603 S Third Read and Passed - Consent
022703 H First Read

EFFECTIVE : August 28, 2003

SB 0302

SENATE SPONSOR Bray

1084S.03I

SB 302 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded or unloaded firearm with ammunition under his or her control and knowingly or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of any person.

A person does NOT commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state; or (4) the ammunition is stored away from an unloaded firearm. A minor who uses a weapon in self-defense or is being supervised while engaged in hunting or another lawful purpose does not fall under this law.

This act requires firearms dealers to post a written warning about the provision of this section in a conspicuous place where firearms are sold.

This act is similar to SB 922 (2002) and HB 1595 (2002).
SARAH MORROW

012103 S First Read	S103
012703 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S137

EFFECTIVE : August 28, 2003

SB 0303

SCS SB 303

SENATE SPONSOR Gibbons

0879S.04C

SCS/SB 303 - This act provides that a licensed ground ambulance service located within Saint Louis County may provide critical care ground ambulance service. Critical care ground ambulance service is defined as the ground transport of a patient who requires a level of care which is within the scope of training and qualifications of a critical care nurse.

Such critical care transport may only occur between two licensed hospitals. The transport shall be done in an ambulance designed and equipped for such purpose and must include certain personnel trained in critical care. An ambulance service providing critical care ground ambulance service must maintain at least 120% of the insurance required in regulation for a licensed ambulance service. The ambulance service may only provide such critical care ground ambulance service within its service area and no more than 125 miles away from its address of record.

RICHARD MOORE

012103 S First Read S103
 012703 Second Read and Referred S Aging, Families & Mental & S137
 Public Health Committee
 020503 Hearing Conducted S Aging, Families & Mental & Public
 Health Committee
 021203 SCS Voted Do Pass S Aging, Families & Mental & Public
 Health Committee-Consent (0879S.04C)
 021703 Reported From S Aging, Families & Mental & Public S234
 Health Committee to Floor w/SCS-Consent
 022003 Removed from S Consent Calendar S282
 022403 Reported From S Aging, Families, Mental & Public S291
 Health Committee to Floor w/SCS-Consent
 030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0304

SENATE SPONSOR Jacob

0057S.01I

SB 304 - This act creates a sales tax holiday for articles of clothing valued at one hundred dollars or less and school supplies valued at fifty dollars or less for nine days in early August. The holiday applies to both state and local sales taxes. The State will reimburse local jurisdictions for revenue lost as a result of this act.

The act permits local political subdivisions to opt-out of the sales tax holiday in 2004, its second year.

The act establishes a "Sales Tax Holiday Joint Legislative Committee" to study and review the effects of the holiday and report to the general assembly on or before January 8, 2005.

The act has an emergency clause enacting it on July 1, 2003, and a sunset of July 1, 2005.

This act is substantially similar to SB 927 (2002).
 JEFF CRAVER

012103 S First Read S103
 012703 Second Read and Referred S Ways and Means Committee S137

EFFECTIVE : Emergency Clause
TERM DATE : July 1, 2005

SB 0305

SENATE SPONSOR Jacob

0058S.01I

SB 305 - This act exempts from state sales taxes certain fees and dues paid to health and fitness centers. Fees and dues paid to health and fitness centers are exempt if they are paid solely for health-benefit activities; are separately stated on the bill; and do not include dues or fees for any other activities or services. The act defines the term "health-benefit activities" and enumerates certain activities which either qualify or do not qualify as a "health-benefit activity".

This act is identical to SB 928 (2002).
JEFF CRAVER

012103 S First Read	S103
012703 Second Read and Referred S Ways and Means Committee	S137
021803 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0306

SENATE SPONSOR Steelman

1036S.01I

SB 306 - This act specifies that the court must appoint a guardian ad litem where there are substantiated allegations of child abuse and neglect. The court may order an investigation and report, which shall be conducted by the local department of social services caseworker, the county juvenile officer, or any other competent person.

LORIE TOWE

012203 S First Read	S111
012703 Second Read and Referred S Aging, Families & Mental & Public Health Committee	S137
020503 Hearing Scheduled, Not Heard S Aging, Families, Mental & Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0307

SENATE SPONSOR Steelman

1114S.01I

SB 307 - This act modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program.

Current law requires pharmaceutical manufacturers participating in the Senior Prescription Program to pay a rebate of 15% on all prescription drugs. This act changes the rebate amount to 15% for brand name drugs and 11% for generic drugs.

This act contains an emergency clause.

This act is identical to HB 47 (2003).

LORIE TOWE

012203 S First Read S111
012703 Second Read and Referred S Aging, Families & Mental & S137
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0308

SCS SB 308

SENATE SPONSOR Steelman

1201S.02C

SCS/SB 308 - This act creates the "Missouri Calcium Initiative". The term "governmental entity" is defined as the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state.

A purchasing agent of a governmental entity, which purchases food or beverages to serve in a building owned or operated by the entity, must give preference to high calcium foods and beverages that are equal to or lower in price than products of the same type and nutritional quality. If a state institution determines that the high calcium foods or beverages will interfere with the proper treatment and care of a patient, then the purchasing agent is not required to make such a purchase for the patient.

The provisions of the "Missouri Calcium Initiative" are in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

For contracts entered into before July 1, 2003, the purchasing agent is not required to purchase high calcium foods and beverages if this would change the terms of the contract.

The provisions of this act will take effect on July 1, 2003.

This act is similar to HB 1033 (2002).

LORIE TOWE

012203 S First Read S111
012703 Second Read and Referred S Aging, Families & Mental & S137

Public Health Committee
 020503 Hearing Conducted S Aging, Families & Mental & Public
 Health Committee
 021903 SCS Voted Do Pass S Aging, Families & Mental & Public
 Health Committee-Consent (1201S.02C)
 022403 Reported From S Aging, Families, Mental & Public S291
 Health Committee to Floor w/SCS-Consent
 030303 S Consent Calendar w/SCS (2/24)

EFFECTIVE : August 28, 2003

SB 0309

SENATE SPONSOR Caskey

1200S.01I

SB 309 - This act limits the payment of future refunds
 mandated by Hancock provisions from certain DNR funds.
 HENRY HERSCHEL

012203 S First Read S111-112
 012703 Second Read and Referred S Ways and Means Committee S137
 021803 Hearing Conducted S Ways and Means Committee
 022503 Voted Do Pass S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0310

SENATE SPONSOR Caskey

1149S.01I

SB 310 - This act adds a section regarding what law to apply
 when dealing with general partnerships. The act:

- Replaces the phrase "constituent estate" with "constituent
 entity" and modifies subsections 2 and 3 of section 347.720,
 RSMo, to only apply to limited partnerships or limited
 corporations.

- Removes the liability of a partner of a limited liability
 partnership from the actions of any person under the partner's
 direct supervision and control;

- Provides an avenue for a domestic general partnership to
 merge or consolidate into one or more general partnerships,
 domestic or foreign limited partnerships, limited liability
 companies, trusts, business trusts, corporations, real estate
 investment trusts and other associations or business entities.
 Further, the act establishes a procedure for approval of the
 merger or consolidation. If the merger or consolidation is of
 one or more domestic partnerships into a surviving partnership
 this act establishes filing requirements with the Secretary of
 State; and

- Establishes a procedure for domestic limited partnership regarding the approval of a merger or consolidation.

RICHARD MOORE

012203	S First Read	S112
012703	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S137
021703	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
021703	Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
022403	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor-Consent	S288
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0311

SENATE SPONSOR Dougherty

1089S.01I

SB 311 - This act modifies various provisions relating to the protection of the elderly. Section 187.010 provides the necessary definitions relating to long-term care facilities and elder abuse.

Certain mandated reporters must report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department within 24 hours. Any required person failing to make a report within a reasonable time will be guilty of a Class A misdemeanor. Any person purposefully filing a false report of elder abuse and neglect will be guilty of a Class A misdemeanor (Section 187.020).

Reports involving the abuse and neglect of residents of long-term care facilities must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects a resident of a facility will be guilty of a Class D felony (Section 187.024).

Reports involving the abuse and neglect of eligible adults not residing in a facility must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects an eligible adult not residing in a facility will be guilty of a Class D felony (Section 187.028).

The Department must promptly refer all cases of suspected abuse to the appropriate law enforcement agency. The Department and law enforcement must share resources for training (Section

187.030). Subject to conditions, any statement made by a person sixty years or older or a disabled person shall be admissible in a criminal, civil, or administrative proceeding (Section 187.032).

Any person or institution making a report pursuant to Section 187.020 to Section 187.050 shall be immune from any civil or criminal liability (Section 187.034). Any person, who has reasonable cause to believe that the misappropriation of property or funds of an eligible adult not residing in a facility has occurred, must report such information to the Department. Retaliation against an eligible adult not residing in a facility for reporting any violations of standards is prohibited (Section 187.050).

Section 187.080 details the requirements of the employee disqualification list. Providers must request a criminal background check prior to allowing any full-time, part-time, or temporary employee to have contact with a patient or resident. Providers may have a private investigator, rather than the highway patrol, conduct the criminal background check (Section 187.084).

Section 187.087 specifies that confidential reports filed pursuant to Sections 187.020 to 187.034 and Sections 187.050 to 187.080 will not be deemed public records.

The Director has the authority to require answers to written interrogatories and require production of any papers or records that are relevant to an inspection and investigation (Section 187.090). The Departments of Social Services, Health and Senior Services, and Mental Health shall work together in the investigation of abuse, neglect, and financial exploitation (Section 187.102).

Section 197.317 and Section 197.318 restore the moratorium on the certificate of need expenditure minimum until January 1, 2007.

Section 197.416 details requirements for the Department when issuing or renewing the license of a home health agency. Applications for a license must include an affidavit regarding the exercise of due diligence in observing the condition and operation of the facility (Section 198.018).

Section 198.019 details requirements for the Department when issuing or renewing the license of a facility. Section 198.022 requires the Department to make two inspections of a facility per year, except as provided in Section 198.526.

The Department must promulgate rules requiring facilities to submit information as to their actual staffing and staff retention patterns. The information shall be available to the

public by July 1, 2004 (Section 198.024).

Every residential care facility I or II, intermediate care facility, or skilled nursing facility shall post the most recent inspection report in conspicuous location in a facility (Section 198.031).

The Department of Social Services may access the records of Medicaid patients in order to perform constitutional and statutory duties. The use of unsubstantiated inspection reports by insurance carriers for the purpose of underwriting is prohibited (Section 198.032).

Section 198.036 allows the Department to revoke a license if a facility fails to comply with class I standards on two occasions within a 24-month period. The Department may revoke the license of a operator for any of the reasons that an application for a license is denied pursuant to Section 198.022.

An operator of a facility that has been cited for violations shall be liable for up to \$75,000 for each day the violations existed, regardless of whether the violations were corrected. The Elderly Home-Delivered Meals Trust Fund will receive 25% of the penalties collected and the remaining 75% of penalties collected will be deposited into the Nursing Facility Quality of Care Fund. Civil penalties cannot be sold, transferred, or otherwise assigned. The General Assembly specifically intends for the civil penalties specified to be imposed, regardless of any subsequent correction (Section 198.067).

The administrator of a facility must contact the local coroner immediately upon the death of a resident. The Department must receive a written report containing the information provided to the coroner within one business day of the resident's death. Hospitals must immediately notify the administrator of a facility upon the death of a resident that was transferred to the emergency room or inpatient unit (Section 198.071).

Section 198.093 allows residents to file written complaints regarding the deprivation of rights or estates within two years of the alleged violation.

Nursing home districts are prohibited from evicting, harassing, or retaliating against a resident or employee because of any reported violations made by the resident, resident's family, or employee of the facility. Residents and employees of a facility may obtain information regarding their rights and protections from the Department's telephone referral and information line (Section 198.301).

Section 198.525 requires facility inspections twice per year, unless otherwise provided pursuant to Section 198.526. The frequency of inspections will be reduced to once a year, provided

that during an 18-month period the facility had no class I deficiencies or class II violations and had no substantiated complaints or changes in ownership in the preceding year. Any employee of the Department that discloses an inspection time to a facility will be immediately terminated and guilty of a Class A misdemeanor (Section 198.526).

The patient care expenditure component of the nursing facility Medicaid per diem rate will include salaries and supplies for physical, occupational, speech and inhalation therapy (Section 208.159).

The Department shall have access to all financial, medical, mental health and judicial records with restrictions (Section 660.251).

All Medicaid participation agreements entered into by the Department and an in-home services agency shall include training on abuse and neglect (Section 660.252).

Section 660.270 allows the Department to petition the court to enjoin interference with an investigation. Section 660.310 requires the Department to give written notice of any proposed suspension, probation or termination. The Administrative Hearing Commission will have the authority to hear complaints and appeals.

The Department must not disclose any personally identifiable medical, social, personal or financial records of an eligible adult being served by the Division of Senior Services (Section 660.321).

This act is identical to HB 186 (2003).
LORIE TOWE

012203	S First Read	S112
012703	Second Read and Referred S Aging, Families & Mental & Public Health Committee	S137
022603	Hearing Conducted S Aging, Families & Mental & Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0312

SENATE SPONSOR Dolan

0998S.01I

SB 312 - This act changes the age a defendant must have reached at the time the crime was committed for the death penalty to be available as a sentence for a conviction of murder in the first degree. This act would require the age of eighteen be

reached rather than sixteen, as in current law.
RICHARD MOORE

012203 S First Read	S112
012703 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S137

EFFECTIVE : August 28, 2003

SB 0313

SCS SB 313

SENATE SPONSOR Dolan

0927L.01I

SCS/SB 313 - This act expands the diseases considered "occupational diseases" for peace officers under Chapter 287 RSMo, to include diseases of the lungs, respiratory tract or disease of the heart or cardiovascular system, including carcinoma. It requires that a casual relationship exists between the employment and the employees disease which the employee is seeking to be considered an occupational disease.
RICHARD MOORE

012203 S First Read	S112
012703 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S137
020503 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee	
021903 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee	(0927S.03C)

EFFECTIVE : August 28, 2003

SB 0314

SENATE SPONSOR Dolan

1190S.01P

SB 314 - This act repeals a doubly-enacted section regarding the towing of motor vehicles from private property.
STEPHEN WITTE

012203 S First Read	S112
012703 Second Read and Referred S Transportation Committee	S137
020403 Hearing Conducted S Transportation Committee-Consent	
021103 Voted Do Pass S Transportation Committee-Consent	
021703 Reported From S Transportation Committee to Floor-Consent	S234
022503 S Third Read and Passed - Consent	
022603 H First Read	

EFFECTIVE : August 28, 2003

SB 0315

SENATE SPONSOR Steelman

1218S.01I

SB 315 - This act establishes "Big Bluestem" (*Andropogon gerardii*) as the official state grass.

SARAH MORROW

012203 S First Read S112

012703 Second Read and Referred S Financial & Governmental S137
Organization, Veterans' Affairs & Elections Committee

030303 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0316

SENATE SPONSOR Kennedy

1096S.01I

SB 316 - This act requires specific health plans to cover all services provided or ordered by registered nurse first assistants. A "registered nurse first assistant" (RNFA) is defined as a registered nurse, licensed in Missouri, who has received additional certification through a nationally-recognized professional organization to become a RNFA or who meets the criteria for RNFAs established by the Missouri State Board of Nursing. If so certified, then all services provided by RNFAs shall be covered by the specified health plans, including Medicaid.

This act is substantially similar to SB 752 (2002) and SCS/SB 35 (2001).

STEVE WITTE

012203 S First Read S112

012703 Second Read and Referred S Small Business, Insurance S137
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0317

SENATE SPONSOR Stoll

1144S.01I

SB 317 - This act establishes a deadline of December 15, 2003, for a Missouri Consolidated Health Care Plan study which is presently required by law but possesses no deadline for

completion. The study regards the feasibility of including within the plan individuals who are employees of eligible agencies which have not elected to join the plan or who are retirees of school districts.

DONALD THALHUBER

012303	S First Read	S124
012703	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S137
021903	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
022003	Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent	
022403	Reported From S Small Business, Insurance and Industrial Relations Committee to Floor-Consent	S291
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0318

SENATE SPONSOR Stoll

1170S.01I

SB 318 - This act revises the MAP assessment subject matter "test domains" by limiting the scope of said domains in order to consistently and fairly assess same-grade level students and to allow for review and revision of curricula and lesson plans based upon student performance.

DONALD THALHUBER

012303	S First Read	S124
012703	Second Read and Referred S Education Committee	S138

EFFECTIVE : August 28, 2003

SB 0319

SENATE SPONSOR Stoll

1176S.01I

SB 319 - This act expands what constitutes the crime of peace disturbance. The crime of peace disturbance is committed, in some situations, when an individual allows a dog which they own or are in control of to continuously bark, if such barking disturbs or alarms another individual.

RICHARD MOORE

012303	S First Read	S124
012703	Second Read and Referred S Judiciary & Civil &	S138

Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0320

SENATE SPONSOR Stoll

1123S.01I

SB 320 - This act allows a state individual income tax credit equal to a percentage of any earned income tax credit claimed by the taxpayer on the federal income tax return. The percentage of the federal credit allowed will be 10% for tax year 2003, 15% for tax year 2004, and 20% for tax year 2005 and thereafter. Any amount of credit which exceeds the taxpayer's liability in any tax year will be refunded to the taxpayer or carried forward into future tax years.

This act is similar to HB 1407 (2002).
JEFF CRAVER

012303 S First Read	S124
012703 Second Read and Referred S Ways and Means Committee	S138
022503 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0321

SENATE SPONSOR Days

1061S.02I

SB 321 - This act requires persons discharged from prison or parole, after serving his or her sentence, to be informed in writing of the process and procedure to register to vote.
SARAH MORROW

012303 S First Read	S124
012703 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S138
022403 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0322

SENATE SPONSOR Days

1038S.01I

SB 322 - This act allows any adopted person, that is

eighteen or older and born in Missouri, to obtain a copy of their unaltered, original, and unamended birth certificate from the State Registrar upon written application.

Foreign-born adoptees and persons that were adopted by Missouri residents but subject to the adoption laws of other countries may file a written application with the State Registrar to receive a copy of their unaltered, original, and unamended birth certificate provided that the adoptee is at least eighteen years old.

This act is identical to HB 1195 (2002).
LORIE TOWE

012303	S First Read	S124
012703	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S138
022403	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0323

SENATE SPONSOR Days

1040S.02I

SB 323 - This act prohibits discrimination based upon a person's sexual orientation. The act clarifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim of characteristics of race, religion, etc., whether or not those assumptions are true or false.

This act is identical to HB 1561 (2002).
SARAH MORROW

012303	S First Read	S124
012703	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S138

EFFECTIVE : August 28, 2003

SB 0324

SENATE SPONSOR Loudon

1265S.01I

SB 324 - This act allows the State to request a medical examination of an injured employee in Second Injury claims and modifies the admissibility of medical reports in Second Injury

cases.

This act is identical to SB 631 (2002).
RICHARD MOORE

012303 S First Read	S124-125
012703 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S138
012903 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee	
020503 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0325

SENATE SPONSOR Steelman

1186S.01I

SB 325 - This act requires the board of each public school district to require each district school to devote one class period to an observance of the significance of Veterans Day.

This act is identical to HB 71 (2003).
JIM ERTLE

012303 S First Read	S125
012703 Second Read and Referred S Education Committee	S138
020403 Hearing Conducted S Education Committee	
021103 Voted Do Pass S Education Committee	
021803 Committee Vote Reconsidered S Education Committee	
021803 Voted Do Pass S Education Committee-Consent	
022403 Reported From S Education Committee to Floor-Consent	S288
030303 S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0326

SENATE SPONSOR Steelman

1184S.01I

SB 326 - This act exempts any veteran of any branch of the United States military who has reached the age of 65 years from all state and local taxes.

Any revenue lost as the result of the exemption by counties and political subdivisions of this state will be replaced through appropriations to the "Local Revenue Replacement Fund" which is created by this act. Each political subdivision which loses

revenue as a result of this exemption must certify such revenue loss to the commissioner of administration by November 1 for losses accrued in the preceding year.

This act is identical to HB 1252 (2002).
JIM ERTLE

012303 S First Read	S125
012703 Second Read and Referred S Ways and Means Committee	S138

EFFECTIVE : August 28, 2003

SB 0327

SENATE SPONSOR Gross

0824S.01I

SB 327 - This act provides that the Real Estate Appraisers Commission may require that some or all of the real estate appraising experience of an applicant for licensure be obtained in this state.

Upon request by the Commission, certified and licensed real estate appraisers must make certain records available for inspection or copying at the expense of the appraiser. Currently, when litigation is contemplated, reports and records must be retained for three years after the trial date. This act requires the records and reports to be retained for two years after the final disposition.

JIM ERTLE

012303 S First Read	S125
012703 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S138
022403 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee - Consent	

EFFECTIVE : August 28, 2003

SB 0328

SENATE SPONSOR Coleman

0836S.02I

SB 328 - This act governs the legal rights and remedies of mobile home leases and mobile home lots containing five or more mobile homes.

LENGTH OF LEASES - Under the act, mobile home park owners are required to offer each tenant a written lease for a term of not less than 12 months.

RENEWAL OF LEASE - Every lease of a mobile home or mobile home lot shall contain an option which automatically renews the lease unless:

1. The tenant provides 30 day notice that he does not desire to renew the lease;
2. The park owner provides the tenant 120 days notice that the lease will not be renewed due to specific reasons; or
3. The park owner elects to cease operation of the mobile home park. If the park owner is ceasing operations of the park, the tenant shall be entitled to a minimum of 12 months notice.

TERMS OF FEES AND RENTS - The terms for payment of rent and fees shall be specifically itemized in the lease. Rent charged by a park owner may be increased upon the renewal of a lease provided 60 days notice has been provided prior to the expiration of the lease.

MOBILE HOME PARK PROVISIONS - All mobile park leases shall contain covenants which bind the park owner to:

1. Keep the park area free from weeds and plant growth;
2. Maintain all utilities in good working condition;
3. Respect the privacy of tenants;
4. Maintain all roads within the park in good condition;
5. Disclose the names and addresses of all the owners of the park;
6. Provide a custodian's office and furnish each tenant with the name and address of the custodian.

LEASE PROHIBITIONS - No lease shall contain a provision that:

1. Allows the park owner to charge a late fee without allowing the tenant a 5-day grace period;
2. Allows the park owner to charge an amount in excess of one month's rent as a security deposit;
3. Requires the tenant to pay fees not specified in the lease;
4. Allows the park owner to move the mobile home to a different lot.

No lease shall require the tenant to purchase a mobile home from the park owner.

TENANT DUTIES - The act outlines the basic duties of the tenant. For example, the tenant is prohibited from storing inoperable motor vehicles at the mobile park and refrain from storing furniture on the premises.

RULES AND REGULATIONS OF THE PARK - Rules promulgated by the park owner are enforceable only if copies of the rules were delivered to the tenants prior to signing the lease; they apply to all

tenants in a fair manner; the rules fairly inform the tenant of what he or she can do or not do; and the rules are not for the purpose of evading the obligation of the park owner.

This act requires the Missouri Housing Development Commission to produce and distribute pamphlets delineating the rights of mobile home landlords and tenants under this act.

STATUTORY GROUNDS FOR EVICTION - Under the act, a park owner may evict a tenant for:

1. Non-payment of rent;
2. Failure to comply with park rules; or
3. Failure to comply with local ordinances or other state laws regulating mobile homes.

IMPROPER GROUNDS FOR EVICTION - A tenant shall not be evicted for:

1. Exercising his or her rights under the lease;
2. Complaining to any governmental authority regarding the park owner's alleged violations of any health or safety law, regulation, code or ordinance; or
3. Being a member of a home owners association.

SECURITY DEPOSITS - Mobile home park owners are required to give the tenant an itemized list of damages within 15 days after the expiration of the lease. The park owner's failure to furnish an itemized list shall constitute an agreement that no damages have incurred and that the security deposit is due to the tenant. Park owners owning parks containing 25 or more mobile homes shall pay interest to the tenant on security deposits.

RESTRICTIONS ON GOODS AND SERVICES - Under the act, park owners are prohibited from restricting a tenant's access to goods and services. A park owner cannot require the tenant to purchase gas or fuel from a particular dealer as a condition of the lease unless the owner provides the gas or fuel through a centralized distribution system.

TERMINATION OF LEASE - A tenant may terminate a lease and vacate the premises if the park owner fails, within 30 days, to remedy a condition which deprives the tenant of his or enjoyment of the premises. A park owner may terminate the lease if the tenant fails to pay rent after the owner has provided notice. If a tenant breaches any of the mobile home park rules, the park owner must provide the tenant with specific notice of tenant's breach. If the breach continues after the tenant has received such notice, the park owner may terminate the lease.

REMAINING IN POSSESSION - Tenants who remain in possession of the premises after a lease expires shall pay the park owner a sum, not to exceed two times the previous rent, for each day the

tenant remains in possession.

MOBILE HOME SALES - Under the act, park owners cannot restrict a mobile home owner from selling his or her mobile home. The park owner cannot restrict a mobile home owner from securing the services of an independent salesperson when selling his or her home. The park owner is prohibited from imposing a fee on the sale of a mobile home unless the park owner assists the mobile home owner in the sale of such home. If the park owner assists the mobile home owner in the sale of his or her mobile home, the fee shall be set forth in writing prior to the sale and shall be a percentage of the actual sales price of the mobile home.

TENANT MEETINGS - Under this act, tenants may hold tenant meetings at reasonable hours and when facilities are available and shall not be subject to prohibition by the park owner.
STEPHEN WITTE

012303 S First Read S125
012803 Second Read and Referred S Small Business, Insurance S143
and Industrial Relations Committee
021203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0329
SCS SBs 361, 103, 156 & 329
SENATE SPONSOR Griesheimer

1239S.01I

012303 S First Read S125
012703 Second Read and Referred S Commerce & the Environment S138
Committee
020403 Hearing Conducted S Commerce & Environment Committee
022503 Bill Combined (SCS SBs 361, 103, 156, & 329) S
Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0330
SENATE SPONSOR Caskey

1247S.01I

SB 330 - This act allows the Division of Child Support Enforcement to send income withholding orders and orders to enroll to employers by either regular or certified mail.
LORIE TOWE

012303	S First Read	S125
012803	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S143
021703	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
021703	Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
022403	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor-Consent	S288
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0331

SENATE SPONSOR Childers

1219S.01I

SB 331 - This act allows any qualified applicant for the "SILVER STAR" license plate to obtain two sets of plates. Currently, only one set of plates is allowed. This act also provides that apportioned motor vehicles or commercial motor vehicles in excess of 18,000 pounds are not eligible for the special license plate.

This act is identical to HB 75 (2003).
STEPHEN WITTE

012303	S First Read	S125
013003	Second Read and Referred S Transportation Committee	S158

EFFECTIVE : August 28, 2003

SB 0332

SENATE SPONSOR Childers

0642S.05I

SB 332 - This act modifies the definitions of "construction", "maintenance work" and "Public body" under the prevailing wage law. Further, it limits the individuals who are eligible to receive the benefits of the prevailing wage law to those engaged in actual construction or reconstruction of public works and expressly removes individuals engaged in repairs from being eligible to receive the benefits of the prevailing wage law.

When no wages are reported for a particular locality the Department of Labor and Industrial Relations shall use the appropriate federal hourly wage rate as provided for in section 290.502 RSMo.

This act removes the requirement that the Department of Labor and Industrial Relations when determining the prevailing wage consider the applicable wage rate established by a collective bargaining agreement. Further, it removes all provisions dealing with collective bargaining in determining and adjusting the annual wage rates.

This act removes the requires that contractors and subcontractors engaged in public works include in their records the names of their workmen. Further, it removes subsections three and four, these subsections require contractors and subcontractors engaged in the construction of public works to have certain information affixed on certain motor vehicles and motorized self-propelled pieces of equipment.

This act makes each subsequent day where a willful violation occurs a separate offense under this section.

RICHARD MOORE

012303 S First Read	S125
013003 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
020503 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0333

SENATE SPONSOR Childers

0520S.01I

SB 333 - This act allows counties of the third classification and any political subdivisions within such counties, upon voter approval, to exempt themselves from the state prevailing wage law. Majority approval by the governing body of the political subdivision or a petition by the voters signed by 10% of all registered voters in the political subdivision is required before the proposal can be submitted to voters. This act does not apply to construction projects involving federal funds. The act contains suggested ballot language.

This act is similar to SB 102 (2001).

RICHARD MOORE

012303 S First Read	S125
013003 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
020503 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0334

SENATE SPONSOR Goode

1241S.01I

SB 334 - This act changes the jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission.

HENRY T. HERSCHEL

012303 S First Read	S125
013003 Second Read and Referred S Commerce and Environment Committee	S158

EFFECTIVE : August 28, 2003

SB 0335

SENATE SPONSOR Goode

1256S.01I

SB 335 - This act increases the penalties for violations of the Natural Gas Pipeline Safety Act to be in line with the current federal penalties which are \$25,000 per violation with a maximum of \$500,000 per related series of violations.

This act is similar to SB 870 (2002), SB 150, (2001), SB 745 (2000) and HB 1326 (2000).

CINDY KADLEC

012303 S First Read	S125
013003 Second Read and Referred S Commerce and Environment Committee	S158

EFFECTIVE : August 28, 2003

SB 0336

SENATE SPONSOR Bray

1121S.02I

SB 336 - This act makes various changes to economic development programs relating to distressed communities and small business investment tax credits.

The act:

(1) Changes the definition of a community development corporation to stress industrial, economic, entrepreneurial, commercial and civic development of projects that benefit low-income individuals and communities;

(2) Lowers the investment requirement of principal owners of Missouri small businesses eligible for investment from 50% of the business to 35% of the business;

(3) Eliminates the designation of a "target area" for purposes of identifying areas of poverty by the Department of Social Services;

(4) Increases the maximum percentage of investment ownership allowed in a small business to qualify for a tax credit from 50% to 65%;

(5) Reduces the time period requirement for investment in a small business from 5 years to 3 years and excludes any sale, change of control, or the going public of a business from the minimum period of time for investment for purposes of the small business investment tax credit program;

(6) Reduces the percentage of employees required to be located at a business contained within distressed communities from 75% to 60% and increases the maximum number of employees at a business contained within a distressed community from 100 to 150 to qualify for the distressed communities tax credit program;

(7) Allows the leasing of certain technology equipment to qualify as an expense for purposes of obtaining a tax credit;

(8) Increases the allowable tax credit percentage of the amount of qualified contribution to a qualified fund for purposes of tax credits for contributions to innovation centers from 50% to 75%;

(9) Allows any unused credits for these tax credit programs from the previous year to be added to any statewide caps for these programs in future years;

(10) Expands the availability of follow-up capital to include businesses which have previously received follow-up capital within the last 3 years for purposes of tax credits for contributions to innovation centers;

(11) Modifies the definition of "qualified fund" to specify that distributions of equity from the fund to qualified economic development organizations at the statutory 10% rate shall be calculated after the amount the fund invested in the corporation or other similar entity is returned to the fund; and

(12) Requires the Department of Economic Development to pursue a revocation of the tax credits only from the original applicant for the tax credit.

This act contains an emergency clause.
JEFF CRAVER

012303 S First Read S125
013003 Second Read and Referred S Ways and Means Committee S158

EFFECTIVE : Emergency Clause

SB 0337

SENATE SPONSOR Cauthorn

0904S.01I

SB 337 - This act asserts that any school district which allows an excused absence for athletics or any other extra-curricular activity shall allow any student to use regularly scheduled instructional time as is reasonably necessary for participation in an officially-sanctioned activity of any FFA, FHA, FCCLA and 4-H program.

The act also provides that students may participate in FFA, FHA, FCCLA and 4-H events and Missouri State Fair competitions while having such participation count as regular school attendance for the purpose of state school aid.

This act is similar to SB 756 (2002).
DONALD THALHUBER

012303 S First Read S125-126
020403 Second Read and Referred S Education Committee S170

EFFECTIVE : August 28, 2003

SB 0338

SENATE SPONSOR Cauthorn

0888S.02I

SB 338 - This act restores the moratorium on the expenditure minimum for beds in long-term care facilities until January 1, 2007.

LORIE TOWE

012303 S First Read S126
013003 Second Read and Referred S Aging, Families & Mental & S158
Public Health Committee

EFFECTIVE : Emergency Clause
TERM DATE : Jan. 1, 2007

SB 0339

SENATE SPONSOR Jacob

0744S.02I

SB 339 - This act requires 90 days advance written notice prior to a disconnection of water service. Water service to a residence shall not be disconnected unless the noncurrent outstanding bill amount exceeds \$100. Water service to a residence may not be disconnected unless a notice is sent to the customer by certified mail and must include the proposed action, date of proposed action, cost of reconnection, reason for the action, amount of the arrearage, address where payment can be sent, any actions which the residential customer may take to prevent the disconnection, and contact information for the customer to call.

This act is similar to SCS/SB 246 (2003).
CINDY KADLEC

012303 S First Read	S126
013003 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
021203 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0340

SENATE SPONSOR Wheeler

1263S.01I

SB 340 - This act provides an equalizing cost-of-living adjustment (COLA) for certain retirees of the Kansas City Police retirement system. The equalizing COLA shall not exceed 25% of the member's base pension. The retirement board must base its determination for granting the equalizing COLA on the advice of the plan's actuary that the increase will not cause the present value of the plan to exceed the sum of fund asset plus the present value of anticipated future contributions.
CINDY KADLEC

012303 S First Read	S126
013003 Second Read and Referred S Pensions & General Laws Committee	S158
021103 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0341

SCS SBs 248, 100, 118, 233, 247, 341, & 420
SENATE SPONSOR Wheeler

1264S.02I

012303 S First Read S126
 013003 Second Read and Referred S Pensions & General Laws S158
 Committee
 021103 Hearing Conducted S Pensions & General Laws Committee
 022503 Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341,
 & 420) S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0342

SENATE SPONSOR Dolan

1231S.01I

SB 342 - This act adds various forms of cancer to the
 diseases currently presumed to be suffered by firemen in the line
 of duty.

RICHARD MOORE

012303 S First Read S126
 013003 Second Read and Referred S Aging, Families & Mental & S158
 Public Health Committee
 021903 Hearing Conducted S Aging, Families & Mental & Public
 Health Committee

EFFECTIVE : August 28, 2003

SB 0343

SENATE SPONSOR Dolan

0866S.02I

SB 343 - This act revises the procedures relating to
 disabled license plates and placards and the use of designated
 disabled parking spaces.

The Director of the Department of Public Safety is
 authorized to promulgate rules to allow persons to issue
 citations to vehicles violating disabled parking provisions. A
 person desiring to issue citations must submit an application to
 the director and be certified. The Director of Public Safety, in
 conjunction with the Missouri Supreme Court, will also prescribe
 the forms for the issuance of citations. A person issuing a
 citation is required to forward a copy of the citation to the
 Director of Public Safety and the Director of the Department of
 Revenue. The Director of the Department of Public Safety shall

forward a copy of the citation to the appropriate prosecuting attorney for prosecution.

Physicians or health care practitioners will be guilty of a Class D felony if they issue, sign, or furnish a physician's statement or certificate to enable a person to obtain disabled license plates or windshield placards for any person who does not meet established conditions required by law or if there is no basis for a diagnosis, or state a condition or diagnosis which is outside the scope of the provider's license. Under current law it is a Class C misdemeanor for a health care practitioner to certify an individual for a disabled plate or placard if the diagnosis is outside the practitioner's scope .

This act allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards.

Under this act, age, in and of itself, shall not be a factor in determining whether a person is entitled to a disabled license plate. The act establishes record maintenance requirements for physicians and health care practitioners who issue physician's statements.

Under this act, a physician's statement shall:

1. Be on a form prescribed by the Director of Revenue;
2. Set forth the specific diagnosis which renders the person physically disabled;
3. Include the physician's license number; and
4. Be signed by the physician or health care practitioner.

This act holds that an applicant for a disabled license plate consents and authorizes his or her physician to release his or her medical information to licensing boards, administrative bodies, law enforcement, prosecuting attorneys, and the courts to secure compliance with the law.

This act requires the physician who issues a statement for a disabled license plate to maintain certain medical records and documentation relating to the issuance of such statement. These records shall be open to inspection.

No more than two removable windshield handicap placards may be issued by the Director of Revenue to any one person. The director will be required to periodically check with the appropriate licensing boards to verify that physicians or other health care practitioners who sign physician's statements are duly licensed and registered. The Director must annually take steps to check with vital statistics to see if any person issued disabled plates or placards is deceased.

The Director also will be required to issue a certificate,

bound in plastic, identifying the name and address of any person issued disabled plates or placards and the plate number or placard identifying number. If a disabled person has a driver's license, such certificate may be incorporated into and made a part of the license.

Any person issued a disabled plate or placard must present a new physicians statement every four years.

This act requires the Director of Revenue to annually check with the bureau of vital statistics to determine whether the holder of any disabled license plate or placard is deceased, and if so, take all reasonable steps necessary to obtain the return of such plates and placards.

Under this act, all existing disabled hanging placards shall expire on September 30, 2004. Thereafter, the Director shall no issue or renew existing placards unless the applicant provides a current physicians's statement. All existing disabled plates will expire as of its first renewal date which follows from and subsequent to September 30, 2003.

Under this act, a person who cannot produce the certificate which authorizes him or her to park in a disabled parking space shall be guilty of an infraction and shall be fined not less than \$50 and not more than \$300. If a person can later produce a valid certificate in court, the person shall not be found guilty of an infraction.

STEPHEN WITTE

012303 S First Read	S126
013003 Second Read and Referred S Transportation Committee	S158
022503 Hearing Conducted S Transportation Committee	

EFFECTIVE : August 28, 2003

SB 0344

SENATE SPONSOR Scott

1146S.01I

SB 344 - Beginning in the 2004-2005 school year, all public schools with emergency sirens shall ensure that such sirens are uniform and possess the same ringing sound in each school. In addition, the emergency sirens shall consist of three separate rings to indicate a tornado, and on long ring to indicate a fire.
DONALD THALHUBER

012303 S First Read	S126
013003 Second Read and Referred S Education Committee	S158

EFFECTIVE : August 28, 2003

SB 0345

SENATE SPONSOR Jacob

1214S.01I

SB 345 - This act provides that beginning on January 1, 2007, the number of circuit judges in the 13th judicial circuit shall increase from three to four. The fourth circuit judge shall be elected in 2006 for a two-year term and thereafter in 2008 for a full four-year term.

JIM ERTLE

012303 S First Read	S126
013003 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S158

EFFECTIVE : August 28, 2003

SB 0346

SCS SB 346

SENATE SPONSOR Yeckel

0990S.01I

SCS/SB 346 - This act modifies a number of laws associated with banking.

The Missouri Higher Education Loan Authority is authorized to consolidate existing parent loans for undergraduate students ("PLUS"). The date for repayment of bonds issued by the Missouri Higher Education Loan Authority is extended from 30 to 40 years.

Duties of parties regarding the creation of liens on certain watercraft are modified to provide that the director of revenue shall mail the certificate of title with the new and address of the new lienholder to the owner named in the certificate of title, not the first lienholder named in the certificate.

The Director of the Division of Finance is authorized to obtain data filed with federal regulatory agencies in lieu of requiring direct filing of reports of condition from financial institutions. The Director may require verification of the data from such institutions. During the Director's examination of a bank or trust company, if the director relies upon audits by a C.P.A., the Director must be afforded access to any workpapers used as a basis for the audit. Auditors are required to keep such workpapers for a minimum of three years.

The definition of "bank" is modified to specifically include chartered commercial banks and national banks in this state. The definitions of "demand deposits" and "time deposits" are modified to provide that payment of such deposits can be required as provided in federal law. Currently, payments can be required

within 30 days.

Banks are authorized to purchase or lease real property in an amount not exceeding its legal loan limit and may derive income from the renting or leasing of such property. Should the purchase or lease exceed the legal loan limit or be from an interested party, such bank must seek prior approval from the Director of the Division of Finance. Banks and trust companies, savings and loan associations and credit unions may impose fees or service charges on deposit accounts, subject to certain promulgated rules.

The act creates a definition of a "trust holding company" and authorizes the formation of a trust holding company in Missouri. The Director of the Division of Finance is required to determine if a proposed acquisition by a trust holding company of a trust company is consistent with the interests of having sound trust companies. The Director is authorized to grant or deny the proposed acquisition. The Director may examine and investigate trust holding companies.

This act modifies provisions of the Uniform Commercial Code. Any transaction that complies with Articles 3, 4 and 9 of the Code shall not be subject to common law claims other than those specifically provided for in the Code. Consumer transactions are included in the rules for secured transactions when the amount of a deficiency or surplus is in issue.

Variable rate agreements are subject to certain statutes limiting fees and charges until the extension of credit is paid off or the debtor requests an extension or refinancing. At the time of such request, the creditor may convert the credit extension to a loan contract or times sales agreement, provided the same statutes limiting fees and charges will still apply.

The act deletes certain sections in Chapter 408, RSMo, concerning variable interest rates. Sections 408.653 and 408.654 regarding fee limitations and limits for overdraft charges are also repealed.

JIM ERTLE

012303	S First Read	S126
013003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158
020303	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
020603	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee 0990S.02C	

EFFECTIVE : August 28, 2003

SB 0347

SCS SB 347

SENATE SPONSOR Loudon

1258S.03C

SCS/SB 347 - This act modifies the definition of "accident" and "injury" within Chapter 287, RSMo. Further, the act limits the applicability of an occupational disease within the chapter to cases where the occupational exposure was the dominant factor in causing the mental or physical condition of the employee. Normal physical and mental activities of day to day living are not compensable.

The act modifies Section 287.120 RSMo, which addresses occupational diseases. Subsection 5 of this section is modified to include peace officers certified pursuant to chapter 590, RSMo, if the exposure was the dominant factor in causing the condition or disability.

Employees that are a member of a religious organization which has tenants or teachings opposed to acceptance of insurance benefits may choose to prospectively reject the provisions of Chapter 287, RSMo.

RICHARD MOORE

012303	S First Read	S130
013003	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S158
020503	Hearing Conducted S Small Business, Insurance & Industrial Relations Committee	
021903	SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (1258S.03C)	
022003	Reported From S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS	S279
030303	002 S Calendar S Bills or Perfection w/SCS	

EFFECTIVE : August 28, 2003

SB 0348

SENATE SPONSOR Coleman

0789S.01I

SB 348 - This act extends powers to civilian review boards that investigate allegations of misconduct by local law enforcement officers. The powers granted in this act include: subpoena powers, administer oaths, require production of papers, records and documents, and the examination of witnesses.

SARAH MORROW

012303 S First Read

S130

013003 Second Read and Referred S Judiciary & Civil & S158
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0349

SENATE SPONSOR Dougherty

1031S.01I

SB 349 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I or II clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases III or IV only.

LORIE TOWE

012703 S First Read S135
020403 Second Read and Referred S Aging, Families & Mental & S170
Public Health Committee
021903 Hearing Conducted S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0350

SENATE SPONSOR Dougherty

1032S.01I

SB 350 - This act modifies the mandated coverage for prostate examinations by including bone scans and prostate antibody imaging to be used on any nonsymptomatic man for whom there was an earlier diagnosis and on any patient that has an above normal prostate specific antigen.

This act is similar to SB 822 (2002).
LORIE TOWE

012703 S First Read S135
013003 Second Read and Referred S Small Business, Insurance S158
and Industrial Relations Committee
021903 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0351

SENATE SPONSOR Dougherty

1030S.01I

SB 351 - This act changes the procedure in which parental or guardian consent is noted for the organ donation process of minors. Current law requires parental or guardian consent to be noted on the minor's donor card, the application for the donor's instruction permit or driver's license, or other document of gift. This act states that parental or guardian consent can be noted on the permit or license instead of the application.

LORIE TOWE

012703 S First Read S135-136
013003 Second Read and Referred S Aging, Families & Mental & S158
Public Health Committee
021203 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0352

SENATE SPONSOR Griesheimer

1298S.01I

SB 352 - This act creates the crime of assault while on the property of a hospital emergency room or trauma center. The crime is a Class D felony, punishable by 1 to 5 years in prison.

SARAH MORROW

012703 S First Read S136
013003 Second Read and Referred S Judiciary & Civil & S158
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0353

SENATE SPONSOR Stoll

0441S.01I

SB 353 - This act establishes the "Collaborative for Applied Experiences in Science" (CAES) program, for the purpose of increasing the statewide potential scientific and technical workforce by identifying, recruiting, and retaining talented in-state and resident out-of-state undergraduates. To achieve this end, CAES will: develop a summer employment program emphasizing the development of research and technical skills in the fields of science, mathematics, computer science, and engineering; provide mechanisms for retaining high potential students; introduce students to the potential career opportunities within the state; facilitate employer access to a highly select talent pool; and keep collegiate-level students from Missouri who attend national and regional universities informed about career opportunities in

the state.

This act is similar to SB 853 (2002).
DONALD THALHUBER

012703 S First Read	S136
013003 Second Read and Referred S Education Committee	S158
030403 Hearing Scheduled S Education Committee	

EFFECTIVE : August 28, 2003

SB 0354

SENATE SPONSOR Stoll

1141S.01I

SB 354 - This act requires the State Board of Education to study and evaluate the adequacy and equity of state school aid and district school operating revenues every two years. The results of said study, along with recommendations, shall be reported to the Governor and General Assembly. The first report is due by December 15, 2003. The State Board shall work with an Advisory Committee, the composition of which is articulated within the act.

DONALD THALHUBER

012703 S First Read	S136
013003 Second Read and Referred S Education Committee	S158

EFFECTIVE : August 28, 2003

SB 0355

SENATE SPONSOR Stoll

1135S.01I

SB 355 - This act allows persons registering their vehicles to make a \$1 donation to the organ donor program.

STEPHEN WITTE

012703 S First Read	S136
013003 Second Read and Referred S Transportation Committee	S158
021103 Hearing Conducted S Transportation Committee-Consent	
021803 Voted Do Pass S Transportation Committee-Consent	
022403 Reported From S Transportation Committee to Floor-Consent	S297
030303 S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0356

SENATE SPONSOR Stoll

1133S.01I

SB 356 - This act changes the terminology used in the organ donation license law. This act clarifies the law by eliminating the phrase "making an organ donation" and replacing it with the term "inclusion in the organ donor registry" or "registry participation".

STEPHEN WITTE

012703 S First Read	S136
013003 Second Read and Referred S Transportation Committee	S158
021103 Hearing Conducted S Transportation Committee-Consent	
021803 Voted Do Pass S Transportation Committee-Consent	
022403 Reported From S Transportation Committee to Floor-Consent	S297
030303 S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0357

SENATE SPONSOR Shields

1310S.01P

SB 357 - This act provides that the venue for administrative actions involving real property shall be in the circuit court of the county where the real property is located.

JIM ERTL

012703 S First Read	S136
013003 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
021203 Hearing Conducted S Economic Development, Tourism & Local Government Committee	
021203 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021703 Reported From S Economic Development, Tourism & Local Government Committee to Floor-Consent	S234
022703 S Third Read and Passed - Consent	

EFFECTIVE : August 28, 2003

SB 0358

SENATE SPONSOR Shields

1311S.01I

SB 358 - This act provides that the governing body of a city

or county shall approve all expenditures from their respective general revenue funds to local election boards.

JIM ERTL

012703	S First Read	S136
013003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158
030303	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0359

SENATE SPONSOR Childers

0928S.05I

SB 359 - This act renders several modifications to the state's education, education funding, and taxation policies.

School Board members may submit a notarized statement attesting that no conflict of interest exists concerning such school board member's duties and the business of that district to the Missouri Ethics Commission in lieu of the financial disclosure statements currently required (Section 105.483, RSMo).

The school district operating levy in every school district will be lowered by \$2.10 per \$100 assessed valuation, with a floor of \$1.00 per \$100 assessed valuation. The \$1.00 floor is specified in Section 163.021, RSMo and does not apply to rates lowered below \$1.00 per \$100 assessed valuation by means of a constitutionally-mandated roll-back (Section 137.073, RSMo).

A 2.22% income tax surcharge is imposed, the receipts of which are earmarked for education (Section 143.013, RSMo).

The one percent professional development set-aside is reduced to one-quarter of one percent. The ninety percent of one percent of the formula allocation that the commissioner distributes to address the statewide areas of critical need for learning and development is reduced to one-quarter of one percent. Further, several of the State-wide areas of critical need for learning and development have been removed (Section 160.530, RSMo).

The A+ schools program has been altered to pay only tuition, not books and fees, and students are required to take both the ACT and SAT assessment exams or either assessment exam twice as an added condition to receive an A+ scholarship. Also, a school must offer gifted and dual credit courses as a condition of being labeled "A+" (Section 160.545, RSMo).

The State Board of Education's ability to lapse a school district is removed (Section 162.081, RSMo).

In order to receive state aid, a school district must levy a school district operating levy of not less than \$1.00 per \$100 assessed valuation, however, a district may levy less than \$1.00 if required by a constitutionally-mandated roll-back. Also, in order to be eligible for state aid, school districts must lengthen the school year to the specifications articulated in the section and adopt the uniform start date of the last Monday in August (Section 163.021, RSMo).

The foundation formula has been replaced with a system that distributes all monies appropriated for the public schools of this state on a per-average daily attendance basis, except for transportation, special and gifted education categoricals (Section 163.031, RSMo).

The transportation categorical is reduced from %75 to %60 (Section 163.161, RSMo).

The minimum salary structure has been altered so that the minimum teacher's salary shall be \$26,000; with at least five years teaching experience the minimum salary shall be \$32,000; and with a master's degree and at least fifteen years teaching experience the minimum salary shall be \$40,000. Also, this act removes several of the criteria regarding the qualifications for school districts to receive funds from the excellence in education fund for the purpose of fulfilling the minimum salary requirements (Section 163.172, RSMo).

Several formula-related sections in Chapter 163, RSMo, have been deleted.

Certificates of license to teach shall be valid for the life span of the possessor. Any person who holds a valid life classification, professional classification I, professional classification II, or a continuous professional classification certificate of license to teach on August 28, 2003, shall be issued a lifetime certificate of license to teach (Section 168.021, RSMo).

The career ladder program is eliminated (Sections 168.500-168.520, RSMo).

School districts must adopt the uniform start date of the last Monday in August. Also, this section increases the school year term from 1,044 hours to 1,200 hours and the maximum number of hours a school day may be from seven hours to eight hours (Section 171.031, RSMo).

This act contains a referendum clause.
DONALD THALHUBER

012703 S First Read S136
013003 Second Read and Referred S Education Committee S158

EFFECTIVE : Voter Approval

SB 0360

SENATE SPONSOR Steelman

1091S.01I

SB 360 - This act exempts any sand or gravel operator that mines less than 5,000 tons of gravel per year from regulation and licensing.

SARAH MORROW

012703 S First Read S136
013003 Second Read and Referred S Commerce and Environment S158
Committee
021803 Hearing Conducted S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0361

SCS SBs 361, 103, 156, & 329

SENATE SPONSOR Steelman

1280S.01I

SCS/SBs 361, 103, 156 & 329 - This act extends the collection of the waste tire fee by five years to 2009.

CINDY KADLEC

012703 S First Read S136
013003 Second Read and Referred S Commerce and Environment S158
Committee
020403 Hearing Conducted S Commerce & Environment Committee
022503 SCS Voted Do Pass (SCS SBs 361, 103, 156, & 329) S
Commerce & Environment Committee (1280S.02C)

EFFECTIVE : August 28, 2003

SB 0362

SENATE SPONSOR Steelman

1232S.02I

SB 362 - This act requires all tobacco product manufacturers who sell cigarettes in this state to file an annual form with the Attorney General stating they are in compliance with the Master

Settlement Agreement. Participating manufacturers must certify a list of its brand families. Nonparticipating manufacturers must provide additional information as indicated including a more detailed listing of brand families and units sold and that the nonparticipating manufacturer is registered to do business in the state, maintains a qualified escrow fund (including specific information regarding the account), is in full compliance with the Master Settlement. Tobacco product manufacturers must maintain information used to compile the certification for five years.

By January 1, 2004, the Attorney General shall publish or make available on its website a list of all tobacco product manufacturers who have filed certifications. It shall be unlawful to any person to affix a stamp to a package of cigarettes of a tobacco product manufacturer or brand family that is not included in the directory or to offer those cigarettes for sale.

Foreign nonparticipating manufacturers who are not registered to do business in the state must designate an agent for service of process as a condition precedent to being listed in the directory.

Stamping agents are required to submit a quarterly report to the Attorney General the equivalent stick count for which the stamping agent affixed stamps or otherwise paid the tax due for the cigarettes. The stamping agent must maintain documentation used to compile the report for five years. The Director of Revenue and the Attorney General may share information for the purposes of enforcement of the provisions of this act.

The Attorney General may require nonparticipating manufacturers, stamping agents and tobacco product manufacturers to provide certain additional information necessary to determine compliance.

Upon determination of a violation, the Director of the Department of Revenue may suspend the license of a stamping agent. Each stamp affixed and each sale or offer to sell cigarettes shall constitute a separate violation. The Director of the Department of Revenue may also impose a civil penalty of the greater of 500% of the retail value of the cigarettes or \$5,000. Cigarettes sold, offered for sale or possessed for sale that are in violation are deemed contraband and subject to seizure and forfeiture. The Attorney General may seek and injunction for threatened or actual violations.

It is a Class A misdemeanor to sell or distribute cigarettes, or acquire, hold, own, possess, transport, import or cause to be imported cigarettes that the person knew or should have known were intended for distribution in the State which are in violation of the stamping provisions. Violations of the

stamping provisions shall also be deemed to be engaged in unfair merchandising practices pursuant to Chapter 407, RSMo.

Decisions regarding maintenance of the directory by the Attorney General shall be subject to review by the Administrative Hearings Commission. Effective dates for implementation of the provisions are provided. The Attorney General may promulgate necessary rules. The State shall be entitled to recover costs of enforcement actions including reasonable attorneys fees. If a court determines that a violation has occurred, the court shall order any profits be disgorged and paid into the Tobacco Control Special Fund which is created.

This act has an emergency clause.
CINDY KADLEC

012703	S First Read	S136
013003	Second Read and Referred S Pensions & General Laws Committee	S158
021103	Hearing Conducted S Pensions & General Laws Committee	
021803	Motion to Report Bill Do Pass FAILED S Pensions & General Laws Committee	
022503	Committee Vote Reconsidered S Pensions & General Laws Committee	
022503	Voted Do Pass S Pensions & General Laws Committee	

EFFECTIVE : Emergency Clause

SB 0363

SENATE SPONSOR Jacob

1307S.01I

SB 363 - Currently, the Missouri College Guarantee Fund receives \$3 million dollars from the Gaming Commission Fund and an extra \$1.5 million if the remaining net proceeds of the Fund (which is distributed to the Early Childhood Development, Education and Care Fund) exceed \$27 million.

This act alters the distribution of the Gaming Commission Fund by awarding the Missouri College Guarantee Fund \$4.5 million dollars from the Gaming Commission Fund and deleting the provision which allocates the extra \$1.5 million should the remaining net proceeds of the Gaming Commission Fund exceed \$27 million.

DONALD THALHUBER

012703	S First Read	S136
013003	Second Read and Referred S Ways and Means Committee	S158
022503	Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0364

SENATE SPONSOR Yeckel

0893S.01I

SB 364 - This act increases the allowable handling fee an institution may charge for processing a refused instrument to \$25. Currently, an institution may charge up to \$15.

A lender on a second mortgage loan is authorized to assess a handling fee for processing a refused instrument of \$25. Currently, a lender may assess a fee of up to \$15.

JIM ERTLE

012703 S First Read S136

013003 Second Read and Referred S Financial & Governmental S158

Organization, Veterans' Affairs & Elections Committee

021003 Hearing Conducted S Financial & Governmental

Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0365

SENATE SPONSOR Yeckel

0894S.01I

SB 365 - This act modifies the allowable charge for a late payment of an installment or minimum payment to \$15 or an amount not to exceed 5% of each installment or minimum payment due, whichever is greater. Currently, the allowable charge is \$25 or an amount not to exceed 5% of each installment or minimum payment due, which is less.

The default charge on any second mortgage loan for any payment not paid in full within 15 days of its scheduled due date is modified to \$15 or an amount not to exceed 5% of each installment or minimum payment due, whichever is greater. Currently, the allowable charge is \$25 or an amount not to exceed 5% of each installment or minimum payment due, which is less.

JIM ERTLE

012703 S First Read S136

013003 Second Read and Referred S Financial & Governmental S158

Organization, Veterans' Affairs & Elections Committee

021003 Hearing Conducted S Financial & Governmental

Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0366

SENATE SPONSOR Scott

0786S.03I

SB 366 - This act allows electrical and gas corporations to seek preapproval from the Public Service Commission (PSC) for certain projects in order to assure the financial community that a reasonable return will be realized. This act would allow gas and electrical corporations to file a petition with the PSC for a determination of ratemaking principles and treatment which would apply to the recovery of costs for the construction of a new facility. In order to be eligible for such a determination, the facility must be a gas or electric plant which would have a total investment or least cost of at least \$5 million for companies serving between 100,000 and 1 million customers and \$25 million for companies serving more than 1 million customers.

The PSC must then issue an order setting forth the ratemaking principles and treatment in all rate cases after the facility is placed in service. If the PSC fails to issue a determination within 180 days of the petition, the ratemaking principles and treatment proposed by the company will apply. Once the order is issued by the PSC, the company has 12 months to notify the PSC whether it will proceed with the project.
CINDY KADLEC

012703 S First Read S136
013003 Second Read and Referred S Commerce and Environment S158
Committee
021103 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0367

SENATE SPONSOR Scott

1236S.01I

SB 367 - The act requires the Gaming Commission to conduct a criminal history check, if the Commission feels it is warranted, on certain key persons seeking issuance or renewal of a bingo equipment and supplies manufacturer or supplier license. The Gaming Commission must also do a criminal history check, if the Commission feels it is warranted, on any person seeking employment with the commission and any person seeking the issuance or renewal of an excursion gambling boat license.

This act is similar to SB 1220 (2002).
JIM ERTLE

012703 S First Read S137
 013003 Second Read and Referred S Pensions & General Laws S158
 Committee
 021103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0368

SENATE SPONSOR Gibbons

1199S.01I

SB 368 - This act allows members of the Missouri State Society Daughters of the American Revolution to obtain specialized license plates. To obtain the specialized plate, the member of the organization must pay a one-time emblem-use authorization contribution of \$25 and \$15 in addition to regular registration fees.

STEPHEN WITTE

012703 S First Read S137
 013003 Second Read and Referred S Transportation Committee S158
 030403 Hearing Scheduled S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0369

SENATE SPONSOR Gibbons

0077S.01I

SB 369 - This act allows persons to receive "Friends of Kids with Cancer" license plates after making an annual \$25 contribution to the Friends of Kids with Cancer organization. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates.

STEPHEN WITTE

012703 S First Read S137
 013003 Second Read and Referred S Transportation Committee S158
 030403 Hearing Scheduled S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0370

SENATE SPONSOR Foster

1327S.01P

SB 370 - This act allows the executive officer of a

political subdivision to enter into agreements for reciprocal emergency aid without approval of the Governor.

RICHARD MOORE

012803	S First Read	S142
013003	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S158
021203	Hearing Conducted S Economic Development, Tourism & Local Government Committee	
021203	Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent	
021703	Reported From S Economic Development, Tourism & Local Government Committee to Floor-Consent	S234
022703	SA 1 S offered & adopted (Foster)	
022703	S Third Read and Passed, as amended - Consent	

EFFECTIVE : August 28, 2003

SB 0371

SENATE SPONSOR Foster

0876S.01I

SB 371 - This act allows the Missouri Higher Education Loan Authority (MOHELA) to provide loans to high school juniors and seniors for non-sectarian tuition and other costs of students enrolled in advanced placement or college credit courses.

This act is similar to portions of the SCS/HB 1113 (1996).
DONALD THALHUBER

012803	S First Read	S142
013003	Second Read and Referred S Education Committee	S158
021103	Hearing Conducted S Education Committee	
021803	Voted Do Pass S Education Committee-Consent	
022403	Reported From S Education Committee to Floor-Consent	S288
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0372

SENATE SPONSOR Yeckel

1194L.01I

SB 372 - This act regulates the licensing and registration of naturopathic physicians.

New definitions are provided relating to naturopathic medicine (Section 334.1000). The act establishes requirements and procedures for the licensure of naturopaths (Section

334.1003).

The Advisory Commission for Naturopathic Medicine is established to license and supervise all naturopathic physicians. The Commission shall consist of six members, one of which must be a public member, who will be appointed by the Governor. Each member shall serve a four year term, except for the members first appointed (Section 334.1006).

The Commission has the power to subpoena witnesses and records along with the power to enforce the Commission's subpoenas in circuit court (Section 334.1009). Anyone providing the Commission with information in good faith will not be subject to civil liability (Section 334.1012).

The State Board of Registration for the Healing Arts has the authority to adopt rules for licensing, enforce the provisions of Sections 334.1000 to 334.1048, set the amount of fees, and deposit moneys in the Board's fund. The Board may prescribe continuing education requirements and employ personnel to carry out the proscribed duties (Section 334.1015).

Naturopaths must display a license or certificate in a conspicuous location that is accessible to the public (Section 334.1018). Any person seeking to practice as a naturopathic physician must have their fitness examined by the Board. An average score of seventy-five is required to pass (Section 334.1021).

Section 334.1024 creates a list of persons who are exempt from the licensure requirements. Section 334.1027 creates a list of requirements for naturopathic physicians to be licensed without satisfying the requirements of Section 334.1015.

Any person violating the provisions of Sections 334.1000 to 334.1048 will be guilty of a Class A misdemeanor (Section 334.1030).

A naturopathic physician must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration (Section 334.1033). Every licensed naturopathic physician must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to the last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt from penalties (Section 334.1036). Registration fees must be paid to the Director of the Department and must accompany the application for registration (Section 334.1039).

The Board may seek discipline of a license or to deny a license to an applicant for specified causes, or alternatively issue a restricted or probated license. Further, the Board may

seek summary suspension of a license upon meeting certain requirements (Section 334.1042).

The Board must publish quarterly a list of the names and addresses of all licensed naturopaths. The Board must also publish a list of all licensed naturopaths that have suspended, revoked, or denied licenses (Section 334.1045).

LORIE TOWE

012803	S First Read	S142
020403	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S170
021703	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0373

SENATE SPONSOR Bartle

0996S.02I

SB 373 - This act adds the definitions of "no commercial value," "private sale" and "public sale" to Chapter 415, RSMo. It changes the disclosure requirement for liability insurance to that of casualty insurance. Further, it corrects the current statute and refers to the proper section for the definition of "commercially reasonable manner" under the Uniform Commercial Code.

This act makes the lien held by an operator of a self-storage facility on property within his facility superior to all other liens. Additionally, it creates a method by which an operator may sell titled property that is subject to the self-storage facility lien without first acquiring a certificate of ownership from the Director of the Department of Revenue.

This act also requires the operator prior to sale of the occupants property to only notify those lien holders disclosed by the occupant pursuant to Section 415.410, RSMo. It also removes the current occupant notice requirement prior to denial of access, allowing the operator to deny access to the leased space once an occupant is in default.

This act clarifies the fact that the time requirements of subsections 2 and 4 of Section 415.415, RSMo, run concurrently.
RICHARD MOORE

012803	S First Read	S142-143
020403	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S170

021203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0374

SENATE SPONSOR Shields

1129S.02I

SB 374 - This act allows state employees who are paid on an hourly basis and who have accumulated overtime hours the option of being paid their hourly wage for the accumulated overtime hours or use the overtime hours as compensatory leave time. An employee may retain up to eighty overtime hours during the calendar year, and any overtime in excess of eighty hours would be paid to the employee monthly at their normal hourly wage. Any remaining accumulated overtime at the end of a calendar year would be paid at the employees normal hourly rate.

RICHARD MOORE

012803 S First Read	S143
022003 Second Read and Referred S Pensions & General Laws Committee	S281
030403 Hearing Scheduled S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0375

SENATE SPONSOR Steelman

1281S.01I

SB 375 - This act requires the Department of Economic Development to establish one enterprise zone in Pulaski County and another in the City of Richland.

This act is identical to HB 204 (2003).

JEFF CRAVER

012803 S First Read	S143
020403 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S170
021203 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

EFFECTIVE : August 28, 2003

SB 0376

SENATE SPONSOR Caskey

1364S.01I

SB 376 - This act changes the body that certifies a deputy coroner from the County Officials Training Commission to the Missouri Coroners and Medical Examiners Association.
RICHARD MOORE

012903	S First Read	S148
020403	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S170
021703	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
022003	Voted Do Pass S Financial & Governmental Organ., Veterans' Affairs & Elections Committee-Consent	
022403	Reported From S Financial & Governmental Organization Veterans Affairs & Elections Com. to Floor-Consent	S289
030303	S Consent Calendar (2/24)	

EFFECTIVE : August 28, 2003

SB 0377

SENATE SPONSOR Childers

0818S.02I

SB 377 - This act levies a tax of two percent on settlements and judicial awards for health care professional liability. The tax covers all settlements, whether they are the result of arbitration, mediation, judicial action, or mutual consent.

The Department of Revenue will be responsible for the collection of the tax. The monies from the tax will be dedicated to an effort to reduce the incidence of health care mishaps and errors that lead to such settlements or judgements.

In the first year, the money is to be used by the Board of Healing Arts for the above stated purposes. In subsequent years, the money may be appropriated to the Board of Healing Arts, the Department of Health and Senior Services, or the Department of Insurance, for the same purposes.

Failure to report a settlement will result in a penalty of \$250 or 5% of the settlement, whichever is greater. Failure to report shall also be sent to the respective professional association of the parties involved, including that of the parties' attorneys.

In the case of a judicial award, the court shall order the tax withheld from the award prior to disbursement of the funds.

JEFF CRAVER

012903 S First Read S148
 020403 Second Read and Referred S Ways and Means Committee S170
 021103 Hearing Conducted S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0378

SENATE SPONSOR Steelman

1334S.01I

SB 378 - This act prohibits any person under 21 years of age from dancing in an adult cabaret and prohibits any proprietor of an adult cabaret from allowing a person under 21 years of age from dancing in such a cabaret.

Any person that violates the provisions of this act shall be guilty of a Class A misdemeanor.

The act is identical to HB 165 (2003).

JIM ERTLE

012903 S First Read S148
 020403 Second Read and Referred S Commerce and Environment S170
 Committee
 021803 Hearing Conducted S Commerce and Environment
 Committee

EFFECTIVE : August 28, 2003

SB 0379

SCS SB 379

SENATE SPONSOR Champion

1335S.02P

SCS/SB 379 - This act, in certain situations, allows the governing body of the City of Springfield upon a written request from a real property owner within the city, and following a public hearing, to remove real property from a district or transfer real property from one class designation of a district to another class designation. The governing body may only take such actions if the Board consents to such removal, the district can meet its financial obligations following the proposed transfer and the hearing is conducted following proper notice being given.

This act is similar to SB 125 (2001).

RICHARD MOORE

012903 S First Read S148-149
 020403 Second Read and Referred S Economic Development, S170
 Tourism & Local Government Committee
 021203 Hearing Conducted S Economic Development, Tourism &
 Local Government Committee
 021203 SCS Voted Do Pass S Economic Development, Tourism &
 Local Government Committee-Consent (1335S.02C)
 021703 Reported From S Economic Development, Tourism & Local S234
 Government Committee to Floor w/SCS-Consent
 022703 SCS S adopted
 022703 S Third Read and Passed - Consent

EFFECTIVE : August 28, 2003

SB 0380

SENATE SPONSOR Cauthorn

0839S.01I

SB 380 - This act allows nursing home districts to establish
 and maintain senior housing within its corporate limits.

LORIE TOWE

012903 S First Read S148
 020403 Second Read and Referred S Aging, Families & Mental & S170
 Public Health Committee

EFFECTIVE : August 28, 2003

SB 0381

SENATE SPONSOR Dolan

1000S.01I

SB 381 - This act requires motorists to use their headlights
 whenever rain, snow, fog or other atmospheric conditions require
 the use of windshield wipers.

STEPHEN WITTE

012903 S First Read S148
 020403 Second Read and Referred S Transportation Committee S170
 021103 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0382

SENATE SPONSOR Dolan

0121S.01I

SB 382 - This act creates the Special Olympics Missouri

license plate. An individual may obtain such a plate after paying \$25 to Special Olympics Missouri in addition to the \$15 special license plate fee and other registration fees.

STEPHEN WITTE

012903 S First Read S148
020403 Second Read and Referred S Transportation Committee S170

EFFECTIVE : August 28, 2003

SB 0383

SENATE SPONSOR Dolan

1058S.01P

SB 383 - This act provides that certain recorded documents must be proven or acknowledged. The act removes the requirement that such documents must be proven and acknowledged "according to law".

JIM ERTLE

012903 S First Read S148
020403 Second Read and Referred S Economic Development, S170
Tourism & Local Government Committee
021203 Hearing Conducted S Economic Development, Tourism &
Local Government Committee
021203 Voted Do Pass S Economic Development, Tourism & Local
Government Committee-Consent
021703 Reported From S Economic Development, Tourism & Local S234
Government Committee to Floor-Consent
022703 S Third Read and Passed - Consent

EFFECTIVE : August 28, 2003

SB 0384

SENATE SPONSOR Dolan

1240S.02I

SB 384 - This act prohibits trucks (in excess of 24,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways or expressway in the urban areas of this state. This prohibition shall not apply in certain circumstances.

STEPHEN WITTE

013003 S First Read S154
020403 Second Read and Referred S Transportation Committee S170
021103 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0385

SCS SB 385

SENATE SPONSOR Scott

1261S.03C

SCS/SB 385 - This act establishes that when calculating administrative surcharges it shall be based upon the total premiums that would have been paid for the deductible portion. The second injury fund surcharge owed by the employer who purchases a deductible policy will be assessed upon the total premiums which would have been paid in the absence of the deductible option. The premium taxes owed under chapter 287 RSMo, for workers' compensation policies with deductible options shall be based upon the total premiums paid upon the insurance policy excluding the deductible portion of the policy.

In order to fund the Workers Compensation Division the Division Director may impose a surcharge on every workers compensation deductible plan policyholder insured pursuant to Chapter 287, RSMo. Sections 287.716, and 287.717 RSMo, sets out procedures regarding the calculation and application of the surcharge.

RICHARD MOORE

013003	S First Read	S154
020403	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S170
021203	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
021903	SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee-Consent (1261S.03C)	
022403	Reported From S Small Business, Insurance and Industrial Relations Committee to Floor w/SCS-Consent	S291
030303	S Consent Calendar w/SCS (2/24)	

EFFECTIVE : August 28, 2003

SB 0386

SENATE SPONSOR Cauthorn

1343S.01I

SB 386 - This act creates the Respect Life license plate. Any person may acquire such a plate after making a contribution (\$25 annual/ \$50 biennial) to the Missouri Alternatives to Abortion Fund which is created by the act. The contribution shall be made directly to the Department of Revenue. The Director of the Department of Revenue is directed to issue samples of the Respect Life license plates so that the plates are displayed in various registration offices. Moneys in the Missouri Alternatives to Abortion Fund shall be used to promote alternatives to abortion services by grants to private agencies.

STEPHEN WITTE

013003 S First Read S154
 020403 Second Read and Referred S Transportation Committee S170
 030403 Hearing Scheduled S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0387

SENATE SPONSOR Cauthorn

1425S.01I

SB 387 - This act prohibits insurers from selling medical malpractice insurance policies unless the Department of Insurance has approved the rates. The act outlines various factors that the Director must consider when approving or rejecting the rates. Rates must be based on Missouri loss experience and not loss experience from other states unless the failure to do so would jeopardize the insurer's financial stability.

The Director may consider the insurer's investment income and losses for the previous ten years when reviewing rates. Under this act, insurers may charge reasonable additional premiums or grant discount rates to health care providers based on their individual loss experience, training, the provider's speciality, and other factors determined to be reasonable by the director. Rate applications are deemed approved if not rejected within 60 days unless the director extends the time period due the applicants failure to provide timely information.

This act is identical to HB 274 (2003).
 STEPHEN WITTE

013003 S First Read S154
 020403 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S170
 022603 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0388

SENATE SPONSOR Klindt

1147S.01I

SB 388 - This act increases the amount to eligible borrowers that can be guaranteed from the Single Purpose Animal Facilities Loan Guarantee Fund from 25% to 50% of the amount borrowed with a limit of \$250,000. This act decreases the amount to total outstanding guaranteed loans for immediate redemption of 20% of the outstanding loans at any one time. This is decreased from

40%.
SARAH MORROW

013003 S First Read S154
020403 Second Read and Referred S Agriculture, Conservation, S170
Parks & Tourism Committee
021303 Hearing Conducted S Agriculture, Conservation, Parks
& Tourism Committee
022703 Voted Do Pass S Agriculture, Conservation, Parks
& Tourism Committee

EFFECTIVE : August 28, 2003

SB 0389

SENATE SPONSOR Steelman

1318S.02I

SB 389 - This act requires additional factors be considered in setting damages for property taken by eminent domain. This act requires commissioners to consider present or currently anticipated use of the property, as well as surrounding properties, and the income value derived from the property when determining the amount of damages in an condemnation proceeding.
CINDY KADLEC

013003 S First Read S154
020403 Second Read and Referred S Financial & Governmental S170
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0390

SENATE SPONSOR Jacob

1329S.02I

SB 390 - This act asserts that Southwest Missouri State University shall, on and after July 1, 2004, be incorporated into, and be a campus of, the State University of Missouri System, and shall be governed by the Board of Curators of the University of Missouri. The act alters the State University of Missouri student curator section, and references to Southwest Missouri State University have been removed from the statutes.
DONALD THALHUBER

013003 S First Read S154-155
021003 Second Read and Referred S Pensions & General Laws S204
Committee

EFFECTIVE : July 1, 2004

SB 0391

SCS SB 391

SENATE SPONSOR Shields

1202S.02C

SCS/SB 391 - This act establishes the Missouri State Advisory Council on Pain and Symptom Management. The Advisory Council will consist of nineteen members, who will be appointed by February 1, 2004. The Advisory Council shall:

- Hold public hearings to gather information relating to pain management;
- Make recommendations on acute and chronic pain management practices;
- Analyze statutes, rules, and regulations relating to pain management;
- Study the use of alternative therapies and any sanctions imposed;
- Examine the needs of adults, children, and minorities that have acute and chronic pain;
- Review the pain management education materials provided by professional licensing boards;
- Make recommendations to health care professionals for integrating pain management into their practices;
- Make recommendations regarding continuing education requirements for pain management;
- Review guidelines issued by the U.S. Department of Health and Human Services; and
- Prepare an annual report to deliver to the Speaker, Pro Tem, and Governor by February 1st of each year.

Members of the Council will serve without compensation but may be reimbursed for any expenses incurred. The Department of Health and Senior Services will furnish administrative staff to the Council.

This act modifies the Advisory Council members by including one physical therapist and only one advocate.

LORIE TOWE

013003	S First Read	S155
021003	Second Read and Referred S Aging, Families & Mental & Public Health Committee	S204
021903	Hearing Conducted S Aging, Families & Mental & Public Health Committee	
021903	SCS Voted Do Pass S Aging, Families & Mental & Public Health Committee-Consent	(1202S.02C)
022403	Reported From S Aging, Families, Mental & Public Health Committee to Floor w/SCS-Consent	S291
030303	S Consent Calendar w/SCS (2/24)	

EFFECTIVE : August 28, 2003

SB 0392

SENATE SPONSOR Shields

1412S.01I

SB 392 - This act extends the levy and collection of the hazardous waste management fee to January 1, 2010.

HENRY T. HERSCHEL

013003 S First Read S155
 021003 Second Read and Referred S Commerce and Environment S204
 Committee
 030403 Hearing Scheduled S Commerce and Environment
 Committee-Consent

EFFECTIVE : August 28, 2003
 TERM DATE : August 28, 2010

SB 0393

SENATE SPONSOR Coleman

1324S.01I

SB 393 - This act creates the "Woman's Right To Know Act". "Emergency birth control" is defined as contraceptive methods that can be used by women within one hundred and twenty hours of intercourse to prevent pregnancy.

The Division of Maternal, Child, and Family Health is responsible for raising public awareness and promoting counseling and referrals for emergency birth control. The Division must distribute information regarding the availability, safety, and effectiveness of emergency birth control.

LORIE TOWE

013003 S First Read S155
 021003 Second Read and Referred S Aging, Families & Mental & S204
 Public Health Committee

EFFECTIVE : August 28, 2003

SB 0394

SENATE SPONSOR Bartle

1411S.01I

SB 394 - This act allows a signature on any document filed with the Secretary of State under Chapter 351 RSMo, to be done by a facsimile, conformed signature or electronically transmitted signature.

A corporation may by including a provision in its articles of incorporation allow creditors the right to vote, inspect records or any other rights that a shareholder possesses.

The Board of Directors by resolution may authorize officers of a corporation to designate individuals within the corporation or its subsidiaries to receive stock options in some situations.

Notice of postponement of a shareholders meeting no longer must precede the date originally set for the meeting.

A class or series of stockholders may elect directors in accordance with the article of incorporation, provided the articles of incorporation allow such an election. When vacancies occur in such directorships, a majority of the then existing directors of such class, classes or series may fill the vacancy.

A corporation in its articles or incorporation or by action of its Board of Directors may waive in advance opportunities the corporation might be entitled under the corporate opportunity doctrine.

RICHARD MOORE

013003	S First Read	S155
021003	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0395

SENATE SPONSOR Bartle

1148S.02I

SB 395 - This act establishes that on a motion to dismiss for lack of applicability under Section 351.055(9) RSMo, the challenger must plead facts challenging such applicability with particularity, and on a motion for summary judgment the challenger has the burden of proving the provisions fail to apply.

An individual who is entitled to vote as a shareholder of a corporation which is a party to a merger or consolidation has the right to file an objection to such action prior to or at the merger or consolidation meeting and then seek appraisal for his stock. Further, when the remedy of appraisal is available under this section, it shall be the exclusive remedy of the shareholder except for in the case of fraud or lack of authorization for the transaction.

RICHARD MOORE

013003 S First Read	S155
021003 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204
022403 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0396

SENATE SPONSOR Kennedy

0188S.01I

SB 396 - This act expands the approved tax credits authorized under the Sponsorship and Mentoring Program to enable the credits to be applied against the insurance premiums tax and the financial institutions tax.

This act is similar to HB 79 (2001).
JEFF CRAVER

020303 S First Read	S162
021003 Second Read and Referred S Ways and Means Committee	S204

EFFECTIVE : August 28, 2003

SB 0397

SENATE SPONSOR Griesheimer

1471S.01I

SB 397 - This act allows for the electronic submission of birth and death records by physicians, hospitals, and funeral homes. Reproductions of vital records must be of durable material, must accurately reproduce the original records, and must be retained in accordance with the standards of the State Records Commission. Birth records over 90 years old and death records over 50 years old will be available on the Department's website by December 31, 2008.

This act increases the fee for copies of vital records from \$10 to \$13 dollars. For every vital record fee collected, \$3 dollars will be credited to the Missouri public services fund to be used for automating the Missouri's vital records system and developing and maintaining an Internet birth and death registration system. The Internet birth and death registration system will be implemented no later than December 31, 2007.
LORIE TOWE

020303 S First Read S162
 021003 Second Read and Referred S Financial & Governmental S204
 Organization, Veterans' Affairs & Elections Committee
 022403 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0398

SENATE SPONSOR Griesheimer

0985S.02I

SB 398 - This act transfers the Clean Water Commission, Hazardous Waste Commission, Land Reclamation Commission, Soil and Water District, and the Safe Drinking Water District to a new commission titled the "Missouri Natural Resources and Environment Commission" through the process of a Type I transfer.

All the pending appeals and other disciplinary action which are pending in any of the above-mentioned commissions are transferred the Missouri Natural Resources and Environment Commission on August 28, 2003.

All the authority conferred on the various commissions by statutes or regulations are transferred to the new commission.

HENRY T. HERSCHEL

020303 S First Read S162
 022003 Second Read and Referred S Agriculture, Conservation, S281
 Parks and Natural Resources Committee
 022703 Hearing Conducted S Agriculture, Conservation, Parks
 and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0399

SENATE SPONSOR Caskey

1491S.01I

SB 399 - This act expands Section 217.360, RSMo, the crime of delivering any controlled substances, alkaloid, personal property, gun, knife or other weapon to prisons, to include city and county jails.

SARAH MORROW

020303 S First Read S162
 021003 Second Read and Referred S Judiciary & Civil & S204
 Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0400

SENATE SPONSOR Bray

1385S.02I

SB 400 - This act provides that a motor vehicle shall not be driven or parked within a bicycle lane.

This act establishes a 20 mph speed limit within school zones. The governing body may establish a lower speed limit if needed for public safety.

This act requires motorists to exercise due care to avoid colliding with pedestrians and bicyclists and exercise proper precaution upon observing children and confused, incapacitated, or intoxicated persons.

This act holds motorists who intentionally, recklessly or negligently collide with pedestrians or cyclists liable for a minimum of \$500 in compensatory damages. If the motorist does the same act but has six or more points on his or her driver's license, or has a prior conviction for an intoxication-related offense or has previously caused personal injury to a pedestrian or cyclist, the person shall be liable for a minimum of \$1000 in compensatory damages and shall have his or her driver's license revoked for a period of one year.

STEPHEN WITTE

020303 S First Read	S162
021703 Second Read and Referred S Transportation Committee	S244

EFFECTIVE : August 28, 2003

SB 0401

SENATE SPONSOR Dolan

1175S.01I

SB 401 - This act adds to the definition of crime under Chapter 595 RSMo, "For the purposes of this chapter, a crime occurs at the time of the commission or attempted commission of the crime."

RICHARD MOORE

020403 S First Read	S168
021003 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204
021703 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
021703 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee-Consent	

SARAH MORROW

020403	S First Read	S168
021003	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204
021703	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0405

SENATE SPONSOR Klindt

1382S.01I

SB 405 - This act expands the immunity from civil liability for property owners that own land that adjoins public trails to cover the entire state.

This act is identical to HB 248 (2003).
RICHARD MOORE

020403	S First Read	S168
021003	Second Read and Referred S Agriculture, Conservation, Parks and Natural Resources Committee	S204
022003	Hearing Conducted S Agriculture, Conservation, Parks and Natural Resources Committee	
022703	Voted Do Pass S Agriculture, Conservation, Parks and Natural Resources Committee	

EFFECTIVE : August 28, 2003

SB 0406

SENATE SPONSOR Klindt

1340S.01I

SB 406 - This act makes information collected in the course of an insurance compliance audit privileged information and not discoverable in civil, criminal or administrative proceedings unless an exception applies.

Audit documents submitted to the Director of Insurance are confidential. Audit documents submitted to the department of insurance remain property of the insurer and are not subject to disclosure under the Sunshine Law. Persons preparing the audit documents shall not be examined in civil, criminal or administrative hearings unless the documents are not privileged.

The privilege established in this act shall not apply to documents which are expressly waived. A court may require

disclosure of materials, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose or that the privilege does not apply. A court may order disclosure of materials in a criminal proceeding, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose, that the privilege does not apply or that material contains relevant evidence of a crime which is not otherwise available.

An insurer may voluntarily submit the audit to the Department of Insurance without waiving the privilege. The privilege is deemed to be waived by the insurer 30 days after receiving a request for disclosure of a self-evaluative audit by the Department or a prosecutor, unless the insurer files a petition for an in camera examination. Any compelled disclosure of an audit will not make the audit a public document.

The privilege shall not apply to:

(1) Documents expressly required to be collected, maintained or reported to regulatory agencies pursuant to law;

(2) Information obtained by observation or monitoring by any regulatory agency; or

(3) Information obtained from an independent source.

The privilege created by this act shall apply to all litigation or administrative proceedings pending on the effective date of this act.

This act is similar to SB 1157 (2002) and HB 927 (2001).
STEPHEN WITTE

020403	S First Read	S168
021003	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S204
021203	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0407

SENATE SPONSOR Klindt

1286S.01I

SB 407 - This act requires health insurance policies to provide coverage for routine patient costs incurred for FDA-approved drugs and devices, regardless of whether the drugs and devices were approved for use in treating the patient's particular condition.

Entities seeking coverage for clinical trials do not have to post electronically whether the trial is for the treatment of cancer or other life-threatening disease.

This act is similar to HB 192 (2003).

LORIE TOWE

020403	S First Read	S168
021003	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S204
021203	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0408

SENATE SPONSOR Klindt

1345S.01I

SB 408 - This act establishes the Missouri Corrections Officers Training and Standards Commission (MoCOTS). The purpose of this commission is to design, establish, regulate and maintain a Correction Officers Certification Program and to advise the Director concerning the duties of officers.

This Commission is composed of six members appointed by the governor with the advice and consent of the Senate. The terms are staggered and the commission does not receive compensation for service.

Corrections officers employed on or before July 1, 2003, are automatically designated MoCOTS certified without additional training.

This act contains an emergency clause.

This act is identical to HB 138 (2003).

SARAH MORROW

020403	S First Read	S168
021003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S204
030303	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : Emergency Clause

SB 0409

SENATE SPONSOR Steelman

1515S.01I

SB 409 - This act makes it a Class B felony for any person not the owner or in lawful control of an approved anhydrous ammonia container to release anhydrous ammonia into the atmosphere. If the unlawful release of anhydrous ammonia causes physical injury or death to any person, it is a Class A felony.
SARAH MORROW

020403 S First Read	S168-169
021003 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204

EFFECTIVE : August 28, 2003

SB 0410

SCS SB 410

SENATE SPONSOR Shields

1325S.02I

SCS/SB 410 - This act specifies that some of the proceeds of the Health Initiatives Fund will be appropriated to the Division of Alcohol and Drug Use for the administration and oversight of the Substance Abuse Traffic Offender Program.

The Department of Mental Health has the authority to establish the amount of supplemental fees that are paid by persons enrolled in the Substance Abuse Traffic Offender Program. Delinquent fees will have interest charged and will accrue at a rate not to exceed the established annual rates plus three percentage points.

The administrator of the Substance Abuse Traffic Offender Program must remit the supplemental fees to the Department on or before the fifteenth day of each month. Any administrator failing to remit the supplemental fees will be subject to a penalty equal to the amount of interest accrued on the supplemental fees. If the supplemental fees are not paid within six months, the Attorney General may initiate appropriate action.
LORIE TOWE

020403 S First Read	S168
021003 Second Read and Referred S Aging, Families & Mental & Public Health Committee	S204
021903 Hearing Conducted S Aging, Families & Mental & Public Health Committee	
022603 SCS Voted Do Pass S Aging, Families & Mental & Public Health Committee	(1325S.03C)

EFFECTIVE : August 28, 2003

SB 0411

SENATE SPONSOR Shields

1033S.01I

SB 411 - This act provides that a public governmental body is authorized to close a meeting or record to the extent they relate to operational plans or other documents held by an agency responsible for public health or safety that are used in responding to or preventing certain critical incidents or events that appear to be terrorist, criminal or hostile in nature and which have the potential to endanger an individual's or the public's safety.

JIM ERTL

020403 S First Read	S168
021003 Second Read and Referred S Pensions & General Laws Committee	S204
021803 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0412

SENATE SPONSOR Foster

1355S.01I

SB 412 - This act permits the scheduled depreciation of certain tangible personal property. The act allows for certain property to be depreciated, including every tangible thing that is the subject of ownership, including all machinery, equipment, support machinery and equipment, either loose or temporarily affixed to real property, which is used in a trade or business or used for the production of, but not including livestock, farm machinery, property subject to the motor vehicle registration provisions of Chapter 301, RSMo, nor property assessed by the state Tax Commission.

The act establishes depreciable tangible personal property as subclass of tangible property. The depreciated value is equal to the true value in money of the property as determined by applying the depreciation factor established in the act. The act provides a table for such depreciation and provides exceptions for idle property. Depreciable tangible personal property is to be assessed at one-third of its true value in money.

The state Tax Commission shall approve forms supplied by the assessor for listing such property. The owners of the property, or people holding the property under their care will be required to complete the lists.

A separate levy will be calculated for this new class of

property. A political subdivision will be able to adjust its tax levy, up to the voter approved maximum, on such property to make up for any lost revenue, as compared to the previous year, as a result of establishing the new subclass of depreciable tangible personal property.

The act extends the right of appeal to the state Tax Commission to the county assessors and license collectors. When an appeal is filed the commission must notify the appropriate county clerk. The county clerk shall then notify each political subdivision wholly or partly within the county.

JEFF CRAVER

020403 S First Read S168
021003 Second Read and Referred S Ways and Means Committee S204

EFFECTIVE : August 28, 2003

SB 0413

SENATE SPONSOR Steelman

1235S.01I

SB 413 - This act creates a definition for the term "social worker" and prohibits persons from using the title "social worker" after January 1, 2004 unless such person holds a clinical social worker license or has earned certain educational degrees.

Violation of the provisions of this act subjects the person to a fine of up to \$1,000.

JIM ERTLE

020403 S First Read S168

EFFECTIVE : August 28, 2003

SB 0414

SCS SB 414

SENATE SPONSOR Steelman

1177S.02I

SB 414 - This act revises various provisions relating to public records. When investigating a death, the coroner's or medical examiner's office shall make certain information available as an incident report within 72 hours of death. The act defines a public governmental body to specifically include the Curators of the University of Missouri, as well as a Bi-State Development Agency.

Currently, any votes taken during a closed meeting shall be by roll call. The act extends this requirement to open meetings

as well, except for votes on procedural or ministerial matters. Meetings relating to legal actions, imminent causes of action or litigation involving a public governmental body may be closed. Any vote regarding leasing or purchasing of real estate shall be made public upon execution of the lease or sale. Certain bases for closing a meeting or record relating to competitive bidding and auditor work product are repealed.

The act provides a method for any member to record an objection to closing the meeting. The act requires production of public records. Fees for copying shall not exceed the amounts charged for copies by the Secretary of State and no charge to allowed for staff time in copying a disk or tape.

A public governmental body shall cooperate if the Attorney General attempts to resolve a written complaint. In determining compliance, the Attorney General shall be entitled to copies of records, excepts those of privileged communications. Records identified by the public body as closed shall remain so, except that the Attorney General may use such records in a court proceeding to enforce compliance.

The penalty for any violation shall range from \$100 to \$2,500. If the court finds there was a knowing violation, the court may order the payment of attorney's fees and costs. Currently, any person may request a law enforcement agency to open incident reports and arrest records that are unlawfully closed. If the court finds there was any violation, the same penalties listed above apply.

Any public governmental body developing a electronic record keeping system must do so in a common format that is not an impediment to public access.

In a criminal proceeding where no conviction results, the court's judgment or order or the final action taken by the prosecuting attorney may be accessed. The act deletes the provision prohibiting law enforcement from releasing accident or incident report to any person who is not an interested party for 60 days.

The act is similar to SB 685 (2002).
JIM ERTLE

020403	S First Read	S168
021003	Second Read and Referred S Pensions & General Laws Committee	S204
021803	Hearing Conducted S Pensions & General Laws Committee	
022503	SCS Voted Do Pass S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0415

SENATE SPONSOR Yeckel

1238S.01I

SB 415 - This act modifies provisions relating to the licensing of dietitians. Definitions for "dietetics practice" and "registered dietitian" are created. The State Committee of Dietitians is placed within the division of professional registration. The Committee shall assist the division in carrying out the provisions of the Dieticians Practice Act and shall approve the licensing examination.

Any person holding themselves out as a dietitian or practices or offers to practice as a dietitian shall be guilty of a Class A misdemeanor. Certain persons are exempted from the licensure requirements of this act provided they do not hold themselves out as a dietitian.

Licensees are allowed to let their license lapse or be put on inactive status, provided the licensee does not practice during the time the license is lapsed or inactive. The act creates requirements for maintaining an inactive license and for reinstating a lapsed license. A person practicing with a lapsed or inactive license shall be guilty of a Class A misdemeanor.

JIM ERTLE

020403	S First Read	S168
021003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S204
030303	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0416

SENATE SPONSOR Yeckel

1248S.02I

SB 416 - This act pertains to the distribution of the Gaming Commission Fund.

Currently, three million dollars are transferred annually from the Gaming Commission Fund to the Veterans' Commission Capital Improvement Trust Fund.

Also, the Missouri College Guarantee Fund annually receives three million dollars from the Gaming Commission Fund and an extra \$1.5 million if the remaining net proceeds of the Fund (which is distributed to the Early Childhood Development, Education and Care Fund) exceed twenty-seven million.

This act increases from \$3 million to \$7 million the annual amount transferred from the Gaming Commission Fund to the Veterans' Commission Capital Improvement Trust Fund.

Also, the act alters the distribution of the Gaming Commission Fund by awarding the Missouri College Guarantee Fund \$4.5 million annually from the Gaming Commission Fund and deleting the provision which allocates the extra \$1.5 million to the Missouri College Guarantee Fund should the remaining net proceeds exceed \$27 million.

Further, the act specifies that when the remaining net proceeds in the gaming commission fund annually exceeds \$27 million, any amount of the remaining net proceeds which exceeds \$27 million shall be divided evenly between the Early Childhood Development, Education and Care Fund and the Veterans' Commission Capital Improvement Trust Fund.

DONALD THALHUBER

020403	S First Read	S168
021003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S204
022403	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0417

SENATE SPONSOR Yeckel

1510S.01I

SB 417 - This act requires that a fire district board member commit some act of misconduct, malfeasance or nonfeasance relating to official board duties, or that the board member be convicted of any felony or any Class A or B misdemeanor, before a registered voter from that district may initiate recall proceedings.

This act is identical to SB 760 (2002).
RICHARD MOORE

020403	S First Read	S168
021003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S204
030303	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0418

SENATE SPONSOR Cauthorn

1470S.01I

SB 418 - This act creates the crime of endangerment of corrections personnel if a person causes an employee of the department of corrections to come into contact with bodily fluids. This is a Class D felony.

This act makes it a Class B felony if a person endangers corrections personnel by knowingly places employees in danger of contracting HIV, Hepatitis B or Hepatitis C.

If a person causes an employee to come in contact with an unidentified substance, it is a Class A felony.

This act also removes inmates and corrections from Section 565.092.

SARAH MORROW

020403 S First Read	S168
021003 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S204

EFFECTIVE : August 28, 2003

SB 0419

SENATE SPONSOR Stoll

0123S.02I

SB 419 - This act creates an organ donor license plate. In order to receive an organ donor license plate, the driver must first donate \$25 to the Organ Donor Program Fund established under section 194.297. The driver must also pay \$15 in addition to regular registration fees. The license plate will bear the words "BE AN ORGAN DONOR" in lieu of the words "SHOW-ME STATE". The plates will be designed by the director of revenue in consultation with the Organ Donation Advisory Committee.

STEPHEN WITTE

020503 S First Read	S174
021003 Second Read and Referred S Transportation Committee	S204
030403 Hearing Scheduled S Transportation Committee	

EFFECTIVE : August 28, 2003

SB 0420

SCS SBs 248, 100, 118, 233, 247, 341, & 420
SENATE SPONSOR Stoll

1156S.02I

020503	S First Read	S174
021003	Second Read and Referred S Pensions & General Laws Committee	S204
021803	Hearing Conducted S Pensions & General Laws Committee	
022503	Bill Combined (SCS SBs 248, 100, 118, 233, 247, 341, & 420) S Pensions & General Laws Committee	

EFFECTIVE : Emergency Clause

SB 0421

SENATE SPONSOR Mathewson

1351S.02I

SCS/SB 421 - This act removes all of SB 421 original language and modifies Section 311.097, RSMo, by changing the time on Sundays in which intoxicating liquor by the drink may begin being sold from 11:00 a.m. to that of 8:00 a.m. on property in Jackson County that is primarily used for professional sporting events.

RICHARD MOORE

020503	S First Read	S174
021003	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S204
021903	Hearing Conducted S Economic Development, Tourism, & Local Government Committee	
022603	SCS Voted Do Pass S Economic Development, Tourism, & Local Government Committee-Consent (1351S.04C)	

EFFECTIVE : August 28, 2003

SB 0422

SENATE SPONSOR Childers

1452S.01I

SB 422 - This act asserts that no person may run for, nor serve on, a seven-director or urban school district school board who is a spouse, parent, or child of an employee of such school district.

DONALD THALHUBER

020503	S First Read	S174
021003	Second Read and Referred S Education Committee	S205

021803 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0423

SENATE SPONSOR Childers

1529S.01I

SB 423 - This act designates a portion of Highway 65 in Taney County from Highway 265 South to the Arkansas border "Trooper Jimmie Linegar Memorial Highway".

STEPHEN WITTE

020503 S First Read S174
 021003 Second Read and Referred S Transportation Committee S205
 021803 Hearing Conducted S Transportation Committee-Consent
 022003 Voted Do Pass S Transportation Committee-Consent
 022403 Reported From S Transportation Committee to S297
 Floor-Consent
 030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0424

SENATE SPONSOR Steelman

1516S.01I

SB 424 - This act establishes nurse staffing plans for licensed hospitals. Hospitals must attempt to fill staffing needs based on the acuity system in order to address staff shortages before requiring a registered nurse or unlicensed personnel to work overtime. Hospitals must not mandate a nurse to work beyond the scheduled shift unless there is a declared national or state emergency.

This act is identical to HB 264 (2003).

LORIE TOWE

020503 S First Read S174
 021003 Second Read and Referred S Aging, Families & Mental & S205
 Public Health Committee

EFFECTIVE : August 28, 2003

SB 0425

SENATE SPONSOR Scott

1409S.01I

SB 425 - This act modifies how the place of death of an individual is determined. An individual who is being transferred into this state from another or from one county within this state to another, for emergency medical treatment and who dies in transit or while in the emergency room, the place of death shall be that of where the individual was first removed.

The coroner or medical examiner from the transferring county is responsible for the death certificate and investigating the cause and manner of death. However, a coroner or medical examiner in the county where the individual actually dies may upon authorization of the coroner or medical examiner of the transferring county, investigate and conduct postmortem examinations at the expense of the transferring county.

The coroner, medical examiner or emergency room staff of the county where the individual actually dies must immediately notify the proper authorities of the transferring county, and shall make available information necessary to conduct a death investigation.

If an individual who has been transferred across state or county lines seeking medical treatment dies after being admitted as a patient to a medical facility, the coroner or medical examiner of the county where the individual actually dies or the medical facility must notify the proper authorities of the transferring county of the death.

In the case of death by homicide, suicide, accident, child fatality or any unusual or suspicious manner the investigation of the cause and manner of death shall revert to the county of origin.

Except as provided elsewhere in this act, following the death of an individual, if the body is transferred to another county or state for the purpose of burial, the transferring county is responsible for the death certificate and death investigation.

RICHARD MOORE

020503 S First Read S174
021003 Second Read and Referred S Aging, Families & Mental & S205
Public Health Committee
030503 Hearing Scheduled S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0426

SENATE SPONSOR Griesheimer

1532S.01I

SB 426 - This act changes the period of time a state employee, who is certified by the American Red Cross as a disaster service volunteer, may be granted leave with pay. Under this act a state employee could be granted leave for up to one hundred twenty-work hours rather than the fifteen calendar days as under current law.

RICHARD MOORE

020503	S First Read	S174
021003	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S205
030303	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0427

SENATE SPONSOR Bartle

1518L.01I

SB 427 - This act adopts the Uniform Securities Act. The act contains the following Articles:

ARTICLE 1 - GENERAL PROVISIONS. A number of definitions are created relating to securities regulation. Any references made to federal statutes means those statutes or regulations in effect at time of enactment of act. Any reference to a federal agency also includes a reference to any successor agency. This act modifies certain portions of the federal Electronic Signatures in Global and National Commerce Act.

ARTICLE 2 - EXEMPTIONS FROM REGISTRATION OF SECURITIES. Certain listed securities and transactions are exempt from securities registration, notice filing requirements and filing of sales literature. This exemption does not include an exemption from certain anti-fraud provisions in Article 5, nor the broker-dealer, agent, investment adviser, or investment adviser registration requirements in Article 4. Additional exemptions and waivers may be created by rule. With limited exceptions for federally covered securities, the state may deny, suspend, revoke condition or limit an exemption.

ARTICLE 3 - REGISTRATION OF SECURITIES AND NOTICE FILING OF FEDERAL COVERED SECURITIES. This act requires the registration of securities, with the exception of federally covered securities and exempt securities. Requirement for notice filing are created. Securities registered under the Securities Act of 1933 may be registered by coordination. Procedures are also enacted for the registration of securities by qualification. Registration statements may be filed by the issuer, a person on whose behalf the offering is made, or a broker-dealer. The

filing fee is \$100. Subsequent reports to update information on the security may be required. The commissioner is authorized to issue a stop order denying, suspending or revoking the effectiveness of a registration statement under certain grounds.

ARTICLE 4 - BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, INVESTMENT ADVISER REPRESENTATIVES, AND FEDERAL COVERED INVESTMENT ADVISERS. The act creates registration requirements and exemptions for broker-dealers, agents, investment advisers, and investment adviser representatives. Federal covered investment advisers are required to file a notice, a consent to service of process and such records as have been filed with the Securities and Exchange Commission. Provisions for broker-dealers and investment advisers to succeed to the registration of another such person. Procedures for an organizational change, name change or change of control are created. Termination of employment or association of an agent and investment adviser representative shall require the broker-dealer, issuer, investment adviser or federally covered investment adviser to file a notice of termination. Notice must also be filed upon transfer of employment or association. Provisions for the effectiveness of a withdrawal of association are created. Filing fees for the various registrations are created. The commissioner of securities is authorized to create, by rule, certain post registration requirements relating to financial reports, recordkeeping, audits or inspection, custody of bonds, investment adviser brochures, and continuing education. Procedures are created for the commissioner to deny, revoke, suspend, withdraw, restrict, condition or limit a registration. Certain persons are restricted from being involved in the issuance of bonds authorized by election if such person made a contribution to any campaign in support of the bond election.

ARTICLE 5 - FRAUD AND LIABILITIES. This act makes it unlawful to engage in the offer, sale or purchase of a security by fraud. It is unlawful to provide fraudulent investment advice. Evidentiary burdens for proving an exemption in a civil or criminal proceeding are defined. The filing of sales and advertising literature may be required by rule. It is unlawful for a person to make a misleading or false statement in any record used in an action or proceeding under this act. It is unlawful to make a misrepresentation regarding a registration or exemption. Qualified immunity is provided for statements made in a record required by the commissioner, unless the statement was false and was knowingly or recklessly made. With limited exceptions, a person who willfully violates this act is subject to fine of up to \$1,000,000 or imprisonment of up to 10 years, or both. Enforcement of civil liability shall be subject to provisions of federal law. Procedures for the civil liability of various parties are created. Actions must be brought within one year after the violation occurred or within the earlier of two years after discovery of the facts constituting the violation and five years after the violation. Recission offers meeting certain

requirements extinguish civil liability.

ARTICLE 6 - ADMINISTRATION AND JUDICIAL REVIEW. The commissioner of securities shall administer this act. A Securities Investor Education and Training Fund is created to provide funds for investor education. The commissioner is authorized to investigate violations of this act, including the power to issue and enforce subpoenas. The commissioner may seek injunctive relief. The commissioner is authorized to issue cease and desist orders, conduct hearings and issue civil penalties. Rulemaking and the issuance of interpretative opinions are allowed. The commissioner must maintain files of registrations, orders and interpretative opinions. The act delineates which records are considered public and which are non-public. Within his or her discretion, the commissioner may share records and information with securities regulators in other states and the federal government. Final orders issued by the commissioner are subject to judicial review. Jurisdictional requirements are created.

ARTICLE 7 - TRANSITION. This act becomes effective on September 1, 2003. The act covers the application of this act and the predecessor act to existing rights.

ARTICLE 9 - MISSOURI TAKEOVER BID DISCLOSURE ACT. Any offeror of a takeover bid must file a registration statement with the commissioner and the target company. The registration statement must contain certain information on the offeror, a statement on any plans to liquidate the target company and other information on the organization and operations of the offeror. The commissioner may conduct any investigation of the bid as deemed appropriate to determine compliance with this article. If it is determined that a violation of this article has occurred, the commissioner may seek injunctive relief. Any person who willfully violates this article shall be guilty of a class A misdemeanor. Civil liability is imposed for violation of this article in an amount up to \$1,000 for a natural person or \$10,000 for a corporation. The attorney general may prosecute every person charged with a criminal offense arising out of this article. Exemptions from this article are created. Additional requirements for the takeover bid are created, if such bid is not subject to federal law. Any offeree whose equity securities are the subject of a takeover bid and who has been injured by violation of this article may bring an injunctive action and may recover actual damages and reasonable attorneys fees.

JIM ERTL

020503	S First Read	S174
021003	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S205
021303	Re-referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S225
022403	Hearing Conducted S Financial & Governmental Org.,	

Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0428

SENATE SPONSOR Shields

1314S.01I

SB 428 - This act alters the definition of an "Approved Private Institution" in the section concerning Charles Gallagher Financial Awards to include any institution offering associate degrees. The current definition of an "Approved Private Institution" is a non-profit institution dedicated to educational purposes.

Further, the act alters the definition of "Qualified Employment" in the Nursing Student Loan Program to include full time employment in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital.

This act is similar to SB 1229 (2002).
DONALD THALHUBER

020503 S First Read	S174
021003 Second Read and Referred S Education Committee	S205
021803 Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2003

SB 0429

SENATE SPONSOR Vogel

1454L.01I

SB 429 - This act makes an exception to section 447.530 RSMo, which deals with abandoned intangible personal property. It allows an employer to surrender unclaimed wages of fifty dollars or less to the state treasure after the wages are unclaimed by the employee for six months.

RICHARD MOORE

020503 S First Read	S174
021003 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S205

EFFECTIVE : August 28, 2003

SB 0430

SENATE SPONSOR Champion

1180S.04I

SB 430 - This act modifies the law relating to children's protective services. Applicants to be foster parents must submit fingerprints in addition to the required criminal background check. The Division of Family Services will have the authority to conduct a search for ex parte or full orders of protection using the automated court information system.

The Division shall provide standards and training for the licensing of prospective foster parents. The Division shall provide performance-based criteria for the evaluation of licensed foster parents.

The Division is prohibited from discriminating against a relative of a child based on the age of the relative or the belief that the relative was not a good parent. The Division must adhere to the Indian Child Welfare Act (25 U.S.C. 1915) when placing a Native American child in protective custody.

The Division must notify the custodial or biological parent of a child regarding the placement of the child in foster care, except in instances of imminent harm. The Division is prohibited from removing a child from school without a court order specifying that the child is to be removed from school.

Prior to any action taken on behalf of the child, the Department must arrange a team meeting with either the custodial or biological parents of the child, the legal representative, or the parent's designee. The meeting may include a court-appointed special advocate, juvenile officer, or a division of family services caseworker. At the conclusion of the meeting, all parties must sign a form provided by the Department that states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records.

The case records of a child in protective custody will be available to the custodial or biological parent. Upon the death of a child in protective custody, the case records will be available to the public.

The Family Care Safety Registry was extended from January 1, 2004 to January 1, 2009.

LORIE TOWE

020503 S First Read

S174

021003 Second Read and Referred S Aging, Families & Mental & S205
Public Health Committee

030503 Hearing Scheduled S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0431

SENATE SPONSOR Gibbons

1112S.01I

SB 431 - This act modifies the law pertaining to the informed consent for experimental treatments on adults that are being treated by accredited teaching hospitals.

LORIE TOWE

020503 S First Read S174

021003 Second Read and Referred S Aging, Families & Mental & S205
Public Health Committee

021903 Hearing Conducted S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003

SB 0432

SENATE SPONSOR Cauthorn

1489S.02I

SB 432 - This act modifies various provisions pertaining to commercial motor vehicles. This act modifies the definition of "gross vehicle weight rating" to coincide with federal law. This act also modifies two provisions of Missouri law pertaining to hazardous materials carriers to make them consistent with Federal Motor Carrier Safety Administration regulations.

STEPHEN WITTE

020503 S First Read S174

021303 Second Read and Referred S Transportation Committee S224

030403 Hearing Scheduled S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0433

SENATE SPONSOR Yeckel

0865S.05I

SB 433 - This act limits the sale of packages containing drug having a sole active of methamphetamine to two packages or any number of packages that contain a combined total of no more than six grams.

All packages of any drug having a sole active ingredient of methamphetamine shall be displayed and offered for sale only behind a counter where the public is not permitted or within six feet of the register on such counter. Alternatively, retailers may utilize an anti-theft system that specifically prevents the theft of such drugs from the store.

This act supersedes all municipal ordinances that are more restrictive than this act.

JIM ERTLE

020503	S First Read	S174
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0434

SENATE SPONSOR Yeckel

1368S.01I

SB 434 - This act modifies provisions regarding lobbyist reporting requirements and campaign finance disclosure for public officials.

General Assembly office committees are required to be formed by candidates for certain leadership positions in the Missouri House of Representatives and the Missouri Senate. The appropriate officer for the filing of required reports shall be the secretary of the Senate for Senate offices and the clerk of the Missouri House for House offices. Contribution limits for candidates for President Pro Tem of the Senate, Speaker of the House and Speaker Pro Tem of the House shall be one thousand dollars. Limits for other leadership positions shall correspond to limits for senator and house candidates. General assembly office committees are prohibited from making contributions to the candidate committee of a candidate who controls the general assembly office committee.

Reports of lobbyist activities are due no later than January 5th of each year or within five days after beginning activities as a lobbyist. Financial interest statements are required to be filed electronically under the penalty of perjury in a form prescribed by the Missouri Ethics Commission. Certain candidates for elective office are required to file annual financial interest statements no later than March 31st or within 10 days of filing for office, whichever is later for the preceding calendar year. Candidates for election in April shall file such

statements by January 31st for the preceding calendar year. Candidates nominated by political caucus shall file such statements within 10 days of nomination. The appointed election authority shall provide notice of such requirements to the candidates at the time of filing for office.

The Commission is required to provide notice, not actual notice, of certain actions to the subject of a complaint filed with the Commission. Notice requirements are also modified regarding the assessment of late fees by the Commission.

Contribution limits for single contributors to candidates are modified to correspond to limits for various elective offices and to allow for periodic increases based on the Consumer Price Index. Currently, the appropriate officer for the filing of required reports is both the Missouri Ethics Commission and an appropriate election authority. This act provides that the sole officer for filing of reports for certain candidates and ballot measures shall be the Missouri Ethics Commission.

The act reorganizes sections of law concerning reporting requirements for out-of-state committees and reporting requirements for candidates nominated by political party committees.

Currently, continuing committees are required to file electronic reports if the committee makes contributions of more than \$15,000. This act changes the amount to \$5,000. Beginning on a date established by the Commission, but no later than January 1, 2005, candidates for state representative and state senate shall file campaign disclosure reports in electronic format.

JIM ERTLE

020503	S First Read	S174
021303	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S224
022403	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0435

SENATE SPONSOR Dolan

1326S.01I

SB 435 - This act establishes the "Disposition of Fetal Remains Act". Regardless of the duration of a pregnancy, the mother has a right to determine the final disposition of the fetal remains. Final disposition of fetal remains may be by cremation, burial, incineration in an approved medical waste

incinerator, or other means authorized by the Director of the Department of Health and Senior Services. The final disposition of fetal remains does not require a religious service or ceremony.

Within twenty-four hours of a miscarriage, hospitals and other health care facilities must notify the mother in writing of her right to determine the final disposition of the remains of the fetus. Hospitals and other health care facilities must make counseling available to the mother concerning the death of the fetus.

Any person who violates the provisions of Sections 194.375 to 194.390 will be guilty of a Class C misdemeanor. The "Disposition of Fetal Remains Act" does not prohibit a woman's ability to obtain a legal abortion.

LORIE TOWE

020503 S First Read S176
021303 Second Read and Referred S Aging, Families & Mental & S224
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0436

SCS SB 436

SENATE SPONSOR Klindt

1371S.06C

SCS/SB 436 - This act revises provisions for the tobacco securitization process. Bond proceeds from the tobacco securitization will be deposited in the Tobacco Securitization Settlement Trust Fund in the state treasury whether the bonds are issued by the Tobacco Settlement Financing Authority or the Board of Public Buildings. This act provides that \$100 million of the bond proceeds from tobacco securitization may be applied to costs of the program plan in fiscal year 2003 and \$100 million for fiscal year 2004 and each year thereafter. The act also authorizes the issuance of bonds by the Tobacco Settlement Financing Authority being issued in conjunction with bonds by the Board of Public Buildings thereby granting authority for a back to back bond transaction.

This act has an emergency clause.

This act is similar to HB 401 (2003).

CINDY KADLEC

SS/SCS/SB 436 - THE SUBSTITUTE HAS BEEN OFFERED AND A POINT OF ORDER IS PENDING. THIS SS WOULD AUTHORIZE AN APPROPRIATION FROM THE BUDGET RESERVE FUND

020503	S First Read	S176
021003	Second Read and Referred S Pensions & General Laws Committee	S205
021103	Hearing Conducted S Pensions & General Laws Committee	
021103	SCS Voted Do Pass S Pensions & General Laws Committee (1371S.06C)	
021203	Reported From S Pensions & General Laws Committee to Floor w/SCS	S217
021303	SA 1 to SCS S offered & adopted (Klindt)	S223
021303	SS for SCS S offered (Quick) (1371S.09F)	S223
021303	SA 1 to SS for SCS S offered (Steelman)	S223
021303	SSA 1 for SA 1 to SS for SCS S offered & adopted (Cauthorn)	S223-224
021303	SA 2 to SS for SCS S offered (Shields)	S224
021303	Point of order - SS not properly presented to Senate	S224
021303	Point of order taken under advisement	S224
021303	Placed on Informal Calendar	S224
022403	Point of order withdrawn	S294
022403	Bill Placed on Informal Calendar	S294
030303	S Inf Calendar S Bills for Perfection	

EFFECTIVE : July 1, 2003

SB 0437

SENATE SPONSOR Yeckel

1191S.01I

SB 437 - This act allows a tax credit for contributions to support pregnancy resource centers. The credit is for 50% of the contribution, cannot exceed \$50,000 per year, is not refundable but can be carried forward. No more than a total of \$2 million may be claimed in credits in any one year. A pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals.

JEFF CRAVER

020503	S First Read	S176
021303	Second Read and Referred S Ways and Means Committee	S224
022503	Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0438

SENATE SPONSOR Clemens

1373S.01I

SB 438 - This act designates a portion of U.S. Highway 60 as the "Korea Veterans' Memorial Freeway".

This act is identical to HB 245 (2003).
STEPHEN WITTE

020603 S First Read S181
021303 Second Read and Referred S Transportation Committee S224
030403 Hearing Scheduled S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0439

SENATE SPONSOR Steelman

1449S.01I

SB 439 - This act provides that sewer districts shall constitute the sole and continuing authority for the provision of wastewater collection and treatment within the district's corporate boundaries. The act prohibits the encroachment on the boundaries of existing sewer districts, unless there is a written cooperative agreement between the districts. Whenever any part of a territory located in a sewer district is included by annexation within the corporate limits of a municipality, and the sewer district is currently or is capable of providing wastewater collection and treatment services, the district and the municipality shall enter a cooperative agreement to provide wastewater collection and treatment services to the annexed territory. For territories annexed prior to August 28, 2003, the cooperative agreement may be developed within six months of August 28, 2003. The cooperative agreements between the municipality and district shall be filed with the Recorder of Deeds and the County Clerk of the county or counties where the district is located.

CINDY KADLEC

020603 S First Read S181
021303 Second Read and Referred S Economic Development, S224
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0440

SENATE SPONSOR Steelman

1450S.01I

SB 440 - This act modifies provisions relation to the procedure for disconnection of water services for nonpayment of a sewer bill. The act requires certain providers of water service to contract with certain sewer service providers to terminate water services to customer premises for nonpayment of a sewer

bill upon the request of the sewer service provider. In the event the parties are unable to reach an agreement within four months of the receipt of the request, a petition may be filed with the circuit court asking for three commissioners to draft the agreement. The act provides the procedural requirements of such proceeding and the appointment of the commissioners.

No termination of water service may occur until 30 days after the municipality or sewer district sends the customer written notice by certified mail. However, if the water service provider is providing water service as well as sewer service, no additional notice shall be required other than the notice period in use by the water service provider. Water service shall be discontinued until the customer pays the sewer charges and all related costs of disconnection and reconnection in full or another payment arrangement is agreed to by the parties. Water service providers who collect delinquent sewer charges at the written request of the sewer service provider shall be immune from civil liability or damages resulting from the disconnection. Unless specifically provided otherwise, the costs of disconnection and reconnection of water service shall be reimbursed by the municipality or sewer district and shall be charged to and paid by the customer.

CINDY KADLEC

020603 S First Read

S181

EFFECTIVE : August 28, 2003

SB 0441

SENATE SPONSOR Dougherty

0963S.01I

SB 441 - This act allows any county, any municipality and the city of St. Louis to provide for an abatement of a portion of real property tax liability for certain facilities involved in lead abatement projects.

The lead abatement project must be a qualified lead abatement project under existing law, certified by the Department of Health, and must be for a child-occupied dwelling. The tax abatement will only be given against that portion of the real property tax liability which is not allocated to schools or the Blind Pension Fund.

This act is similar to SB 408 (2001).
JEFF CRAVER

020603 S First Read

S181

EFFECTIVE : August 28, 2003

SB 0442

SENATE SPONSOR Gross

1022S.02I

SB 442 - This act requires ephedrine and ephedrine based products that are sold to be placed behind the counter. The offenses are as follows: \$250 fine for the first offense; \$500 for the second offense; and \$1000 for the third offense.

SARAH MORROW

020603 S First Read	S181
021303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224

EFFECTIVE : August 28, 2003

SB 0443

SENATE SPONSOR Gross

1549S.01I

SB 443 - This act allows a brewer or manufacturer of beer, its employees, officers or agents to have a financial interest in a retail business that sales intoxicating liquors and nonintoxicating beer at restaurants, bars, or entertainment facilities.

RICHARD MOORE

020603 S First Read	S181
021103 Bill Withdrawn	S212

EFFECTIVE : August 28, 2003

SB 0444

SENATE SPONSOR Shields

1509S.01I

SB 444 - This act requires health insurers to provide chiropractic care as part of basic health care services for covered conditions. Health plan enrollees must be able to select their own chiropractic physician from the provider network without a referral or prior authorization. Health carriers that utilize gatekeepers may not misinform or fail to inform enrollees of the availability of chiropractic care benefits under the enrollee's plan. The act requires health carriers to apply the same deductibles, co-payments, co-insurance amounts, fees, benefit limits, practice parameters, and utilization review to all in-network health care providers. The act prohibits health carriers from discriminating against any health care provider or

group of providers based on the provider's type of license.

This act is identical to HB 121 (2003).
STEPHEN WITTE

020603 S First Read

S181

EFFECTIVE : August 28, 2003

SB 0445

SENATE SPONSOR Shields

1568S.01I

SB 445 - This act directs any unobligated cash balance in the school building revolving fund as of August 28, 2003 to the foundation formula.

Any and all deposits made to the school building revolving fund after August 28, 2003, shall be immediately transferred to the state school moneys fund.

DONALD THALHUBER

020603 S First Read

S181

021303 Second Read and Referred S Education Committee

S224

EFFECTIVE : August 28, 2003

SB 0446

SENATE SPONSOR Bartle

1563S.01I

SB 446 - This act modifies a number of provisions relating to court procedures.

DEFINITION OF COURT (Section 143.782) - Defines "court" in terms of tax credits and refunds.

CHILD SUPPORT ENFORCEMENT AWARDS (Section 454.505) - The act deletes the requirement that the Division of Family Services must file all income withholding orders with the circuit clerk in child support cases.

PROTECTIVE ORDERS (Section 455.027 and 455.504) - No filing fees will be assessed to a petitioner in an action seeking a protective order. Once an order is filed, the clerk shall issue a copy, as well as any subsequent order of termination, to the local law enforcement agency responsible for maintaining the Missouri uniform law enforcement system (MULES). Copies of the petition and date for hearing shall be issued to the local

juvenile office.

LEGAL FEES (Sections 455.075 and 455.536). A court may order a party to pay the other party's guardian ad litem fees. A court may also order a respondent to pay a reasonable amount for attorney's fees and guardian ad litem fees incurred prior to commencement of proceeding or after entry of judgment, depending on the financial resources of both parties.

STATE COURT ADMINISTRATION REVOLVING FUND (Section 476.058) - Any moneys received in connection with preparation of court transcripts shall be deposited in the fund.

FOREIGN LANGUAGE INTERPRETERS/TRANSLATORS (Section 476.800 to 476.810) - Courts shall appoint qualified interpreters in all legal proceedings where party or witness is non-English speaker. The act provides that interpreters and translators cannot be compelled to testify to information that is otherwise attorney-client privileged. The interpreter/translator shall be allowed a reasonable fee and the act provides when that fee shall be paid by the Office of State Courts Administrator.

FINE COLLECTION CENTER (Section 476.385) - This expands the Fine Collection Center to accept tickets for littering.

JUDICIAL FINANCE COMMISSION (Section 477.600) - This act modifies the annual report of the Commission to include separate information on all divisions of the circuit court of each county, include the probate division.

COURT FEES AND SURCHARGES (Sections 488.426 and 488.012) - The act deletes the requirement that any changes in court surcharges become effective on certain dates after notification of OSCA.

FEE FOR FUNDING FOR SHELTERS (Section 488.445) - The act removes the expiration date for counties to impose a fee on marriage licenses and surcharges on civil cases to provide funding for shelters.

FAMILY SERVICES AND JUSTICE FUND (Section 488.2300) - The act provides that the judgment collected in juvenile proceedings is payable to the fund. The surcharge shall only be assessed to the respondent.

CRIME VICTIMS' COMPENSATION JUDGEMENT AND COUNTY FEE (Sections 57.290, 488.4014, 488.5320 and 595.045) - The fee payable in felony and nonfelony criminal violations shall be paid upon the plea of guilty or upon a finding of guilt. Exceptions are made for certain misdemeanors. The surcharge for the crime victims' compensation fund is increased from \$5 to \$7.50.

TIME PAYMENT FEE (Section 488.5025) - The act creates the time payment fee. Courts may impose such a fee of \$25 on all fines,

fees or sanctions not paid in full within 30 days. The act provides for distribution of the fee to the local court, court automation fund and drug court fund.

COLLECTION OF COURT COSTS THROUGH SET-OFF (Section 488.5028) - Allows a court to collect unpaid court costs in excess of \$25 by seeking a set-off of the person's tax refund. A court may contract with a private or public agency to collect on past due court ordered penalties (Section 488.5030).

MASTER JURY LIST (Section 494.410) - Beginning July 1, 2004, the names on the master jury list shall be chosen from certain source lists. The names of potential jurors on the list shall not be considered a public record.

JUDGEMENTS IN ASSOCIATE CIRCUIT COURT (Section 511.350) - Allows judgement in associate circuit court to be lien on real estate if judgment is final and not appealed.

ABSTRACTS (Section 511.510) - Requires clerk of each division of circuit court to enter abstract of judgement within five days of rendition.

SUMMONS IN LANDLORD-TENANT ACTIONS (Section 535.030) - Deletes the requirement that the summons be sent to the defendant by certified mail.

UNIFORM LAW ENFORCEMENT SYSTEM RECORDS (Section 577.051) - The act modifies the types of case dispositions that must be reported.

Portions of this act are similar to SS/SCS/SB 1152 (2002) and SS/SCS/HCS/HB 1962 (2002).

JIM ERTLE

020603	S First Read	S181
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0447

SENATE SPONSOR Bartle

1456S.01I

SB 447 - This act establishes the "Basic Civil Legal Services Fund". The fund is to be administered by the Missouri Supreme Court. Moneys for the fund shall come from an additional filing fee on certain civil and criminal actions in the Missouri

supreme court, courts of appeal, circuit courts and associate circuit courts.

Moneys from the fund shall be disbursed to legal services organizations in this state to provide legal representation to eligible low-income persons in this state in civil matters. Recipient organizations must maintain appropriate records of the disbursement of such funds for five years.

Moneys in the fund shall not be considered state funds and not used to pay any refund mandated by Article X, Section 18 of the Missouri Constitution.

This act is substantially similar to SB 1194 (2002).
JIM ERTLE

020603	S First Read	S181
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0448

SENATE SPONSOR Bartle

1463S.01I

SB 448 - This act extends the sunset of the fee used to fund the Statewide Court Automation Fund from 2004 to 2009. The date for the sunset of the Statewide Court Automation Fund is extended from 2007 to 2011.

JIM ERTLE

020603	S First Read	S181
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0449

SENATE SPONSOR Bartle

1082S.03I

SB 449 - This act limits the certificate of need law to only long-term care facilities.

LORIE TOWE

020603 S First Read S181
 021303 Second Read and Referred S Pensions & General Laws S224
 Committee

EFFECTIVE : August 28, 2003

 SB 0450

SENATE SPONSOR Mathewson

1332S.02I

SCS/SB 450 - This act creates a new division in the Office of Administration called the Division of Community Health. The goal of the Division of Community Health will be to focus the purchasing power and streamline the administration of the state's health care purchasing. The Division will have a Board and a Commissioner. The Board will consist of eleven members. Two members will come from the legislature, one is director of the department of insurance, one is the director of the office of administration, and the others are representatives or directors from the various groups that are assimilated under the Division of Community Health.

The act requires the Board to submit a report to the Legislature by 12/31/03 providing an analysis of its duties and recommendations concerning personnel or any other topic. Next, on 7/1/04 the act assimilates the health care programs of all state and state university workers as well as the Missouri Senior Rx program and the division of medical services into the Division of Community Health.

On 12/1/04 five new members will be added to the Board. The new members will be appointed by the Governor. One will be from the Missouri School Boards Association, one from the Missouri Community Colleges Association, one will be a representative of the public four year institutions of higher education, and two will be representatives of small business. A subsequent report will be due from the board on 12/31/05 to update the prior report and provide any recommendations for implementation of the next phase of the program.

The next phase will be for the Division to make the purchasing power of the division available to the public schools, the community colleges, the public four year institutions of higher education, and the political subdivisions of the state as well as small businesses with less than 50 employees and uninsured citizens. Participation by these groups will be at their option.

Employees of any state entity which is absorbed by the Division will transfer directly to the Division, under the Office

of Administration. Any appropriation to such entity for the purpose of health care as outlined in the act will be transferred to the Office of Administration for use by the Division.

The rules and regulations and the rights under any contract of a prior entity will be assumed by the Division. The Office of Administration is authorized to promulgate rules to modify such prior rules and regulations.

JEFF CRAVER

020603 S First Read	S181
021303 Second Read and Referred S Ways and Means Committee	S224
021803 Hearing Conducted S Ways and Means Committee	
022503 SCS Voted Do Pass S Ways & Means Committee 1332S.03C	

EFFECTIVE : Emergency Clause

SB 0451

SENATE SPONSOR Loudon

1363S.01I

SB 451 - This act requires the Circuit Clerk of the City of St. Louis to be appointed by a majority of the circuit judges of the circuit court of St. Louis. The Circuit Clerk shall be removable for cause by a majority of the circuit judges. These provisions shall become effective on January 1, 2003.

This act is identical to HB 1193 (2002).

JIM ERTLE

020603 S First Read	S195
021303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S224

EFFECTIVE : August 28, 2003

SB 0452

SENATE SPONSOR Loudon

1300S.01I

SB 452 - This act holds that whenever a health service corporation or a health maintenance organization submits a policy form to the Director of Insurance, and the Director does not disapprove the form within 45 days (up from 30 days), the form is deemed approved and is not subject to disapproval for 12 months. If during the 12-month period the Director determines that any provision of the policy is contrary to statute, the Director shall notify the health service corporation or HMO of the specific provision that is contrary to statute and may request

that it file an amendment within 30 days to modify the provision so that it conforms with the statute.

Upon approval of the amendment by the Director, the health services corporation or HMO shall issue a copy of the amendment to each individual or entity in which the deemed policy form was previously issued. The health services corporation or HMO may issue the conforming amendment to the group contract holder so that it can distribute the amendment to its members or by including a copy of the amendment in the health services corporation's next scheduled mailing to its members. Such amendment have the force and effect as if the amendment was in the original filing or policy (Sections 354.085 and 354.405).

This act is identical to HB 224 (2003) and similar to provisions contained in SB 1061 (2002).

STEPHEN WITTE

020603	S First Read	S195
021303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S224-225
022603	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0453

SENATE SPONSOR Shields

1593S.01I

SB 453 - This act requires students enrolled in an institution of higher education that reside on-campus in student housing to receive the meningitis vaccine. The Department of Health, in consultation with the Department of Higher Education, will promulgate rules and regulations governing the meningitis vaccination. The manner and frequency of the meningitis vaccination must conform to recognized standards of medical practice.

Students may be exempt from the meningitis vaccination requirement if after reviewing information detailing the risks of meningococcal disease, the student or the student's parent decides not to have the vaccination.

LORIE TOWE

020603	S First Read	S195
021303	Second Read and Referred S Aging, Families & Mental & Public Health Committee	S225
030503	Hearing Scheduled S Aging, Families & Mental & Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0454

SENATE SPONSOR Coleman

1331S.01I

SB 454 - This act allows the Director of the Department of Health and Senior Services to levy and deposit fines in the Public Health Services Fund.

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined one thousand dollars for the first identified offense, two thousand dollars for the second identified offense, and thereafter fines will be double for each identified offense.
LORIE TOWE

020603 S First Read S195
021303 Second Read and Referred S Aging, Families & Mental & S225
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0455

SENATE SPONSOR Dougherty

1543S.02I

SB 455 - This act extends the family care safety registry to January 1, 2007.
LORIE TOWE

020603 S First Read
021303 Second Read and Referred S Aging, Families & Mental & S225
Public Health Committee
030503 Hearing Scheduled S Aging, Families & Mental & Public
Health Committee

EFFECTIVE : August 28, 2003
TERM DATE : January 1, 2007

SB 0456

SENATE SPONSOR Kennedy

1157S.02I

SB 456 - This act allows a self-directed deferred retirement plan program for the St. Louis Firefighters Retirement System. Currently, deferred retirement plan programs are required to accrue interest equal to the percentage rate of return on the system's portfolio. Self-directed programs shall not accrue interest at that rate of return, but would accrue interest based

on the self-directed investments.

This act contains an emergency clause.
CINDY KADLEC

020603 S First Read	S195
021303 Second Read and Referred S Pensions & General Laws Committee	S225
021803 Hearing Conducted S Pensions & General Laws Committee	
022503 Voted Do Pass S Pensions & General Laws Com.-Consent	

EFFECTIVE : Emergency Clause

SB 0457

SENATE SPONSOR Caskey

1617S.01I

SB 457 - This act allows a position on the Executive Council of the Judicial Conference to be filled for the unexpired term of any member as provided by resolution of the Judicial Conference.
SARAH MORROW

021003 S First Read	S199
021303 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
030303 Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0458

SENATE SPONSOR Childers

1553S.02I

SB 458 - This act extends the sunset on the dry fire hydrant tax credit. Currently, the law states that no more credits may be awarded after August 28, 2003. This act will extend that date to August 28, 2006. The act also reduces the annual cap on the credit from \$500,000 to \$50,000.
JEFF CRAVER

021003 S First Read	S199
021303 Second Read and Referred S Ways and Means Committee	S225
022503 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2003

SB 0459

SENATE SPONSOR Loudon

1301S.01I

SB 459 - This act deems a managed care plan's network as adequate if the managed care plan is:

- (1) A Medicare + Choice coordinated care plan offered by the health carrier pursuant to a contract with the federal centers for medicare and medicaid services;
- (2) A managed care plan that has been accredited by National Committee for Quality Assurance (NCQA), and such accreditation is in effect at the time the access plan is filed; or
- (3) The managed care plan's network has been accredited by the Joint Commission on the Accreditation of Health Organizations at a level of accreditation without type I recommendations or better. If the accreditation applies only to a portion of the managed care plan's network, only the accredited portion will be deemed adequate (Section 354.603).

This act is identical to HB 225 (2003) and similar to provisions contained in SB 1061 (2002).

STEPHEN WITTE

021003 S First Read	S199-200
021303 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S225
022603 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0460

SENATE SPONSOR Loudon

1299S.01I

SB 460 - This act eliminates the requirement that individual and small group health insurance policies provide coverage for certain health insurance mandates. This act also eliminates a marketing restriction on insurance companies.

This act establishes the Mandated Benefit Review Commission within the Department of Insurance. The Commission will be comprised of the Director of the Department of Insurance, the Director of the Department of Health, 4 members of the General Assembly (2 Senate/2 House - nonvoting advisory capacity), and 6 individuals appointed by the governor with the advice and consent of the Senate (2 health insurance purchasers, 2 employers (small and large), and 2 employees who pay a percentage of their

employer sponsored health insurance. The Commission must be established by October 1, 2003.

Once the Commission has been established, it must review all existing state mandated benefits and issue a report to the General Assembly by the tenth legislative day in January 2005. The report shall discuss the projected costs of all state and federal mandates and the Commission shall recommend to the General Assembly which mandated benefits should be repealed from state law.

The Commission shall also review all mandated benefits proposed by member of the General Assembly. Whenever a bill containing a mandated benefit is proposed, the committee having jurisdiction over the proposal shall determine whether the committee favors the proposed mandate or not. If the Committee is in favor of the mandate, the Committee may refer the matter to the Commission for its review. The Committee must review the proposed mandate and issue a report to the committee. The report must contain the social impact of mandating the benefit, the financial impact of mandating the benefit, the medical efficacy of mandating the benefit, and the effects of balancing the social, economic and medical efficacy considerations. Once a review and evaluation of the mandated benefit has been made by the Commission, the committee shall review the Commission's findings.

Under this act, no mandated health benefit shall be enacted into law prior to January 1, 2006. After that date, no proposed mandate may be enacted into law unless the commission has reviewed and evaluated the mandate.

This act is identical to HB 193 (2003) and is similar to provisions contained in SB 1063 (2002).

STEPHEN WITTE

021003	S First Read	S200
021303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S225
022603	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0461

SENATE SPONSOR Bray

1596S.01I

SB 461 - This act alters provisions regarding teacher termination hearings.

Current law permits local school boards to dismiss tenured teachers for certain causes after following certain administrative procedures. This act would allow teachers to request an administrative hearing at which a hearing officer would decide whether or not the teacher will be dismissed.

The act requires school boards or superintendents to notify teachers at least 120 days before formal notice is served, instead of the current 30 days notice requirement. Under the provisions of this act, should a school board suspend a teacher until a decision is rendered, that teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. Presently, either the teacher or the local school board may request a hearing. This act permits only the teacher to request a hearing.

This act articulates a procedure for the selection of a hearing officer and directs the state board to promulgate rules for the hearings. The act specifies that the hearing will be open to the public unless the teacher requests that the hearing be closed.

Within 30 days after the hearing, the hearing officer must render a decision, which shall be final unless appealed.

This act is similar to HB 1845 (2002).
DONALD THALHUBER

021003 S First Read	S200
021303 Second Read and Referred S Education Committee	S225

EFFECTIVE : August 28, 2003

SB 0462

SENATE SPONSOR Gross

1495S.01I

SB 462 - This act provides a medical insurance incentive for state employees to retire. Employees who retire after January 1, 2003, and prior to November 1, 2003, and who are eligible for medical coverage, will be eligible to have portion of the cost of the insurance covered by the state. The retiree may elect to continue coverage for themselves and eligible dependents. The State of Missouri would continue to contribute the same dollar amount in effect for active employees as of the retiree's date of retirement. If the retiree's rate category changes after the date of retirement, the state's contribution shall be the same dollar amount in effect for the new rate category for active employees that was in effect on the retiree's date of retirement. The total amount of the state contribution will revert to the amount being paid by the state for retirees which is in place at

that time if the retiree becomes eligible for Medicare, turns 65, or if the amounts that would otherwise be paid by the state under the provisions of the bill are less than the amount currently paid by the state towards the cost of retiree and dependent coverage.

The act also allows Central Missouri State University, Southeast Missouri State University, Southwest Missouri State University, Northwest Missouri State University, Missouri Western State College, Missouri Southern State College, Harris-Stowe State College, Linn State Technical College, Lincoln University, the Highway and Transportation Commission of the Department of Transportation and the Conservation Commission of the Department of Conservation to offer similar benefits to their employees.

While the State may hire employees to replace those retiring under the medical insurance incentive, in no event shall the state fill more than 25% of the positions vacated.

The benefits provided to retirees in this act will cease immediately upon the retiree being re-employed either full-time or part-time in a state covered position.

This act has an emergency clause.
CINDY KADLEC

021003	S First Read	S200
021303	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S225
022603	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : Emergency Clause

SB 0463

SENATE SPONSOR Gross

1573S.01I

SB 463 - Section 355.331 was amended by the General Assembly in SB 768 (1996) to increase the term of office for directors of nonprofit corporations from five to six years. The Missouri Supreme Court then found that bill to be in violation of the clear title requirement in the Constitution. Thus, the amendment to Section 355.331 was invalidated and the law went back to a term of five years for a director.

However, once SB 768 passed, the Revisor of Statutes amended the section to show the term limit of directors to be six years in the printed version of the Revised Statutes. This act makes a substantive change in the law by increasing the term of office for a director from five to six years.

JIM ERTLE

021003 S First Read S200

EFFECTIVE : August 28, 2003

SB 0464

SENATE SPONSOR Gibbons

0394S.04I

SB 464 - This act allows public entities which provide health insurance coverage to their employees through a self-insured plan to file a subrogation claim or otherwise seek reimbursement from a third party tortfeasor.

STEPHEN WITTE

021003 S First Read S200

021303 Second Read and Referred S Judiciary & Civil & S225
Criminal Jurisprudence Committee030303 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee-ConsentEFFECTIVE : August 28, 2003

SB 0465

SENATE SPONSOR Bartle

1635S.01I

SB 465 - This act modifies the annual report of the Judicial Finance Commission to include separate information on all divisions of the circuit court of each county, including the probate division.

This act is similar to a portion of SB 446 (2003).

JIM ERTLE

021003 S First Read S200

021303 Second Read and Referred S Judiciary & Civil & S225
Criminal Jurisprudence Committee021703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent021703 Voted Do Pass S Judiciary and Civil & Criminal
Jurisprudence Committee-Consent022403 Reported From S Judiciary & Civil & Criminal S288
Jurisprudence Committee to Floor-Consent

030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0466

SCS SB 466

SENATE SPONSOR Bartle

1636S.02C

SCS/SB 466 - The act provides for a standard fee or charge for sheriffs, county marshals or other officers for services in certain types of criminal cases.

This act is similar to portions of SB 446 (2003).
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
021703	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	
021703	SCS Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee-Consent (1636S.02C)	
022403	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor w/SCS-Consent	S289
030303	S Consent Calendar w/SCS (2/24)	

EFFECTIVE : August 28, 2003

SB 0467

SENATE SPONSOR Bartle

1640S.01I

SB 467 - The act modifies a section of law to make it consistent with a previous change to Section 595.045, RSMo, which increased the surcharge for the Crime Victims' Compensation Fund from \$5 to \$7.50.

This act is similar to a portion of SB 446 (2003).
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
022403	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0468

SENATE SPONSOR Bartle

1638S.01I

SB 468 - The act modifies the types of case dispositions that must be reported to the uniform law enforcement system records.

This act is similar to a portion of SB 446 (2003).
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0469

SENATE SPONSOR Bartle

1637S.01I

SB 469 - This act deletes the requirement that the summons in a landlord-tenant action be sent to the defendant by certified mail.

This act is similar to a portion of SB 446 (2003).
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0470

SENATE SPONSOR Bartle

1639S.01I

SB 470 - This act allows a judgement in associate circuit court to be a lien on real estate if the judgment is final and not appealed.

The clerk of each division of circuit court is required to enter abstract of judgement within five days of rendition.

This act is similar to portions of SB 446 (2003).
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0471

SENATE SPONSOR Bartle

1633S.01I

SB 471 - The act deletes the requirement that the Division of Family Services must file all income withholding orders with the circuit clerk in child support cases.

This act is similar to a portion of SB 446 (2003)
JIM ERTLE

021003	S First Read	S200
021303	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S225
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2003

SB 0472

SENATE SPONSOR Loudon

1584S.01I

SB 472 - This act seeks to adjust the foundation formula by excluding the desegregation students from the 1997-1998 line 14a calculation. This exclusion will calibrate the artificially inflated 1997-1998 line 14 numbers so any subsequent growth in a district's free and reduced lunch population will be represented in the formula.

Also, the act attempts to repair a "glitch" in the formula. Currently, an unintended consequence of the formula penalizes school districts which set their levies between 2.75 and 2.93 by reducing their share of state funding. This act prescribes that no school district will receive less on line 14 (a & b) than it would if that district's levy was no greater than 2.75. In other words, school districts would not be penalized for raising levies in excess of 2.75.

This act is identical to SB 681 (2002).
DONALD THALHUBER

021103 S First Read S211
021303 Second Read and Referred S Education Committee S225

EFFECTIVE : August 28, 2003

SB 0473

SENATE SPONSOR Stoll

1198S.01I

SB 473 - This act requires additional information when the Department of Economic Development enters into an agreement with a party to provide grants, loans, tax credits or other financial assistance to the party through a program administered by the Department.

The act requires that additional information about the economic incentive and the financial obligation of the party if the requirements of the agreement are not met. The agreement must also list any other financial assistance received by the party for the same project. Any proceeds from an economic incentive that are returned to the Department of Economic Development must be used for worker training and re-training programs administered by the division of workforce development.

The Department of Economic Development must prepare an annual report to the President pro tem of the Senate and the Speaker of the House of Representatives that contains certain information about the economic incentives administered in the past year.

This act is identical to SB 1249 (2002).

JIM ERTLE

021103 S First Read S211

EFFECTIVE : August 28, 2003

SB 0474

SENATE SPONSOR Bartle

1634S.01I

SB 474 - This act deletes the requirement that any changes in court surcharges become effective on certain dates after notification of the Office of State Courts Administrator.

This act is similar to a portion of SB 446 (2003).

JIM ERTLE

021103 S First Read S211

021303 Second Read and Referred S Judiciary & Civil & S225
Criminal Jurisprudence Committee
021703 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent
021703 Voted Do Pass S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent
022403 Reported From S Judiciary & Civil & Criminal S289
Jurisprudence Committee to Floor-Consent
030303 S Consent Calendar (2/24)

EFFECTIVE : August 28, 2003

SB 0475

SENATE SPONSOR Jacob

1662S.01I

SB 475 - This act authorizes the Missouri Lottery Commission to create a statewide "Video Gaming Machine Network". Certain types of video gambling machines are authorized in licensed locations. The machines will be electronically linked to a main computer which will audit the functioning of the devices and provide transfers of funds to the machines.

The payback value of one credit wagered, determined over time, shall be a minimum of sixty percent but shall not exceed a maximum of eighty percent.

Revenues generated by the "Video Gaming Machine Network" will be placed in the "Higher Education Trust Fund", also created by this act, for the purpose of creating reserves for capital improvements to higher education facilities and providing grants for student education. A portion of this fund shall offset any decline in lottery sales.

A license is required for manufacturers, distributors and operators of such video games as well as for each machine and each premises containing the machines. Licensed distributors must have at least two years experience with distribution of video gaming machines. Licensed operators, who place machines in licensed premises, must have at least two years experience with operating video gaming machines.

Licensed premises include those where the sale and consumption of alcohol is permitted and truck stops that meet a threshold of 250,000 gallons of petroleum sold in each of the prior two years, as well as other locations approved by the commission. No license issued to a licensee shall be transferrable without the consent of the commission. A licensed premise shall provide the operator a surety bond of a certain amount not less than five thousand dollars.

A licensed premise may receive a maximum of two machines for

the first year. After one year the commission may authorize up to two additional machines per year, not to exceed fifteen total machines.

The Director of the Lottery Commission shall set administrative rules for licensing of machine locations, distributors, manufacturers, and parts suppliers. The Commission will contract with these licensed entities on an annual basis.

Tampering with games or machines is a Class D felony. After the effective date of this act, it shall be illegal to operate any video device that can simulate a game played on a licensed video gaming machine.

This act is identical to SCS/SB 1222 (2002).
JIM ERTLE

021103 S First Read	S211-212
021703 Second Read and Referred S Ways and Means Committee	S244

EFFECTIVE : August 28, 2003

SB 0476

SENATE SPONSOR Jacob

1583S.01I

SB 476 - This act eliminates the minimum age qualification (which presently is set at sixteen) for admission to the University of the State of Missouri.

DONALD THALHUBER

021103 S First Read	S212
021303 Second Read and Referred S Education Committee	S225
030403 Hearing Scheduled S Education Committee	

EFFECTIVE : August 28, 2003

SB 0477

SENATE SPONSOR Griesheimer

1527S.02I

SB 477 - This act regulates the sale of motor vehicle extended service contracts for the repair, replacement or maintenance of motor vehicles. The act does not apply to warranties, maintenance agreements, commercial transactions and service contracts sold to non-consumers. The act requires those providing service under a motor vehicle extended service contract to demonstrate financial responsibility by insuring the service contracts under reimbursement insurance policies or by other

means such as providing a surety bond. Service contract administrators are required to register with the Department of Insurance. The act provides for the requirements of a reimbursement insurance policy for insuring a motor vehicle extended service contract. The act specifies the form and content of motor vehicle extended service contracts and requires contract administrators to maintain certain records. This act provides for civil penalties for violating the act and gives the Director of the Department of Insurance various powers to enforce the act's provisions.

This act is based after the National Association of Insurance Commissioners (NAIC) Service Contracts Model Act.
STEPHEN WITTE

021103 S First Read	S212
021303 Second Read and Referred S Commerce and Environment Committee	S225
022503 Hearing Conducted S Commerce and Environment Committee	

EFFECTIVE : August 28, 2003

SB 0478

SENATE SPONSOR Gross

1395S.01I

SB 478 - This act includes landscape architects in statutes concerning the right to practice and the use of a personal seal. Currently, only architects, professional engineers and professional land surveyors are included in such sections.

This act creates an inactive license status for architects. An inactive licensee shall not practice as an architect in this state, but may continue to use the title "architect". In order to reinstate such license to active status, the licensee must meet certain competency requirements established by the board of architects, professional engineers, professional land surveyors and landscape architects.

JIM ERTLE

021103 S First Read	S212
021303 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S225
030303 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0479

SENATE SPONSOR Gross

1229S.01I

SB 479 - This act specifies the rate at which annual leave accrues for Department of Transportation employees. The act also provides the employees three options for use of accrued annual leave which is in excess their maximum leave balance.

Employees may apply the excess accrued annual leave to their shared leave program, purchase retirement credits or invest the cash equivalent into their deferred compensation plan, subject to certain restrictions.

STEPHEN WITTE

021103 S First Read S212
021303 Second Read and Referred S Transportation Committee S225

EFFECTIVE : August 28, 2003

SB 0480

SENATE SPONSOR Dolan

1059S.02I

SB 480 - This act modifies provisions relating to the issuance of permanent, provisional and temporary licenses to physical therapists and physical therapist assistants. The Board of Healing Arts may waive the mandatory denial of a license to a physical therapist or physical therapist assistant applicant who fails the licensing examination three or more times if the applicant is licensed, has passed a licensing examination and has practiced in another state for two years without any disciplinary action, or has held an undisciplined provisional license for two years. If the applicant has obtained a higher professional degree since failing the exam three times, then such applicant is approved to sit for the exam an additional three times. The act deletes the requirement that the board shall preserve examination grades or scores for three years.

A provisional license classification is created for both physical therapists and physical therapist assistants. The Board may issue a provisional license to an applicant who has failed the licensing examination three or more times, achieved a passing score on a licensing examination, and otherwise meets all requirements for permanent licensure. The provisionally licensed physical therapist or physical therapist assistant must practice under the direction and supervision of a licensed physical therapist.

The issuance of a temporary license to a physical therapist

or physical therapist assistant is limited to six months. A temporary license may be renewed for an additional six months following the first failure of a licensing examination. Such temporary license shall not be renewed after the second failure of a licensing examination. Upon the second failure, the applicant must complete a board-approved remediation program before taking the exam for a third time.

This act is similar to HB 1313 (2002).
JIM ERTLE

021103 S First Read	S212
021303 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S225

EFFECTIVE : August 28, 2003

SB 0481

SCS SB 481
SENATE SPONSOR Dolan

1166S.11C

SB 481 - This act enacts various accountability measures regarding the Department of Transportation.

COMMISSION MEMBERS PARTICIPATION IN POLITICAL ACTIVITIES (Section 226.033) - This act prohibits commission members from engaging in certain political activities such as campaigning or fundraising. Any commission member engaging in this activity is subject to removal by the Governor.

STAGGERING OF COMMISSION TERMS - This act staggers the terms of the commission members so that the terms of the members shall begin on December 1st in odd-numbered years provided that no more than two members's terms shall be scheduled to expire in the same year and that the 2 members are not from the same political party. Members shall serve until a successor is appointed and qualified. If a vacancy occurs due to death, resignation, or removal, the successor shall be appointed for only the remainder of the unexpired term.

OFFICE OF INSPECTOR GENERAL (Section 226.094) - This act establishes the independent Office of the Transportation Inspector General. The Inspector General shall be responsible for promoting accountability, integrity and efficiency of the Department of Transportation. The Inspector General shall be appointed by the Governor with the advice and consent of the Senate. The Inspector General is under the general supervision of the Governor. The Inspector General shall hold office for a term coinciding with the term of the appointing Governor.

The Inspector General is not subject to supervision of the

commission or any other officer of the Department of Transportation. The Inspector General shall have the power to conduct investigations and audits relating to the operations of the department of transportation and other agencies which receive highway revenues. The Inspector general shall file a monthly report with the Joint Committee on Transportation Oversight. The report shall include the status of any investigation being conducted by the Inspector General, responses to inquiries made by members of the Joint Committee on Transportation Oversight, and any other matters the Joint Committee on Transportation oversight deems appropriate. The Inspector General will have the power to investigate and review any contract entered into between the department and other parties. The Inspector General shall also investigate citizen complaints or employee complaints regarding the operation of the Department. The inspector general is granted subpoena power. The office of the Governor shall fund and administrative support for the inspector general.

PERFORMANCE AUDIT (Section 226.145) - This act requires the Inspector General to conduct performance audit conducted. Requires review of the fiscal management of the Commission. The performance audit requires a review of the general financial operation and management of the Department of Transportation and will also explore expenditures, waste and overall spending habits of the department of transportation. The performance audit shall be conducted every three years.

STEPHEN WITTE

021103	S First Read	S212
021303	Second Read and Referred S Transportation Committee	S225
021803	Hearing Conducted S Transportation Committee	
022003	SCS Voted Do Pass S Transportation Comm. (1166S.11C)	
022003	Reported From S Transportation Committee to Floor w/SCS	S279
030303	003 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2003

SB 0482

SENATE SPONSOR Kennedy

1631S.02I

SB 482 - This act requires Jefferson County fire protection districts serving areas annexed into the city of De Soto to continue to serve such annexed areas. The act sets forth the amounts that the annexing city must pay the fire protection district, the taxes owed by the annexed area to the fire protection district, and the amount annually paid by the municipality to the fire protection district. Residents of the annexed area may vote in all fire protection district election and are eligible to run for election to the fire protection

district board of directors.

This act has an emergency clause.
RICHARD MOORE

021203 S First Read	S216-217
021703 Second Read and Referred S Economic Development, Tourism & Local Government Committee	S244

EFFECTIVE : Emergency Clause

SB 0483

SENATE SPONSOR Gross

0817S.03I

SB 483 - This act specifies that certain conservation and open spaces implemented pursuant to the intent expressed in Section 67.870, RSMO, are within the scope of those portions of real property which are exempted by current law from property tax. The property must be held or managed by an entity created by a cooperative effort of a political subdivision and a private entity that has the approval of the governing body of the political subdivision. Current law also provides that assessors are to take due account of the limited use of such land when making assessments. This act repeals this provision and substitutes an affirmative tax exemption for such property.
JEFF CRAVER

021203 S First Read	S217
021703 Second Read and Referred S Pensions & General Laws Committee	S244

EFFECTIVE : August 28, 2003

SB 0484

SENATE SPONSOR Shields

1629S.01I

SB 484 - This act allows members or alumni of Alpha Phi Omega to obtain specialized license plates. A member may obtain such a plate by making an annual emblem-use contribution fee of \$25 to the organization and by paying a fee of \$15 in addition to regular registration fees.
STEPHEN WITTE

021203 S First Read	S217
021703 Second Read and Referred S Transportation Committee	S244

EFFECTIVE : August 28, 2003

SB 0485

SENATE SPONSOR Shields

1285S.01I

SB 485 - This act allows public hospitals in Clay County to close portions of records and meetings that pertain to:

- (1) Payment amounts and payment methodologies for health carriers or self-insured health plans;
- (2) The development of new health services or facilities;
- (3) The expansion of existing health services or facilities; and
- (4) The amount of compensation paid to physicians.

The closed records will be disclosed to the State Auditor or by subpoena.

LORIE TOWE

021303 S First Read	S226
021703 Second Read and Referred S Pensions & General Laws Committee	S244
030403 Hearing Scheduled S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2003

SB 0486

SENATE SPONSOR Dolan

1644S.01I

SB 486 - This act modifies the law regarding insurance coverage for loaned and demonstration vehicles. Under the current law, every motor vehicle liability insurance policy must provide liability coverage to loaned motor vehicles operated by the insured. Under this act, other types of coverages are extended to loaned motor vehicles. In addition to liability insurance policies, the following types of automobile insurance policies must extend coverage to loaned motor vehicles and such motor vehicle's occupants:

1. principal damage insurance policies
2. uninsured and underinsured policies;
3. policies covering death or bodily injury.

The amount of coverage extended to the loan vehicle shall not exceed the amount of coverage provided for the motor vehicle being repaired or serviced. The coverage from such policies shall be primary.

STEPHEN WITTE

021303 S First Read S226
 021703 Second Read and Referred S Small Business, Insurance S244
 and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0487

SENATE SPONSOR Dolan

1650S.01I

SB 487 This act increases the fees for court reporters to collect on transcripts and copies of transcripts. Beginning January 1, 2004, the fees may be increased or decreased depending on certain indexes.

The act increases the fee to be paid by the clerk of the circuit court to the director of revenue in every contested case, or case in which evidence is to be preserved, from \$15 to \$25.

This act is similar to portions of SCS/HS/HCS/HB 1962 (2002).

JIM ERTLE

021303 S First Read S226
 021703 Second Read and Referred S Judiciary & Civil & S244
 Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0488

SENATE SPONSOR Dolan

1502S.01I

SB 488 - This act removes the option to appeal a determination of whether a person is a sexually violent predator. This act also adds that any final judgement made in civil commitments of sexually violent predators may be appealed.

SARAH MORROW

021303 S First Read S226
 021703 Second Read and Referred S Judiciary & Civil & S244
 Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0489

SENATE SPONSOR Dolan

1472S.01I

SB 489 - This act increases the surcharge from two to three dollars in each criminal case involving violations of any county ordinance, criminal or traffic laws. The counties use this money for peace officer training.

SARAH MORROW

021303 S First Read	S226
021703 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S244

EFFECTIVE : August 28, 2003

SB 0490

SENATE SPONSOR Dolan

1466S.01I

SB 490 - This act requires alcohol related reports submitted to the Department of Revenue by law enforcement officers to be certified rather than verified. The act requires law enforcement officers to certify the alcohol arrest reports under penalties of perjury prior to filing the reports with the department. The reports shall be admissible as prima facie evidence at administrative hearings. The act repeals the requirement for license surrender in order to obtain a hearing on administrative alcohol arrests.

STEPHEN WITTE

021303 S First Read	S226
021703 Second Read and Referred S Transportation Committee	S244

EFFECTIVE : August 28, 2003

SB 0491

SENATE SPONSOR Scott

1699S.01I

SB 491 - This act requires the Department of Transportation to submit to arbitration where the case involves a highway construction contract dispute over \$25,000.

STEPHEN WITTE

021303 S First Read	S226
021703 Second Read and Referred S Transportation Committee	S244
030403 Hearing Scheduled S Transportation Committee	

EFFECTIVE : August 28, 2003

SB 0492

SENATE SPONSOR Scott

1701S.01I

SB 492 - This act removes a provision that addresses the ability of an individual to qualify for registration as a commercial interior designer (Section 324.409.2).

RICHARD MOORE

021303 S First Read S226

021703 Second Read and Referred S Financial & Governmental S244
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0493

SENATE SPONSOR Kennedy

1590S.01I

SB 493 - This act modifies the law relating to the screening of genetic diseases and birth defects. The central registry, maintained by the Department, can collect and store data on genetic diseases and birth defects to verify that genetic services, including post-treatment services, are being provided. Information obtained from the central registry will be reported to the Department of Health and Senior Services and other health care providers for the screening, treatment, and prevention of genetic diseases and birth defects.

Any person who in good faith reports newborn test results or other required information to the Department will be immune from any civil or criminal liability relating to the reporting.

The Department may disclose information contained in the central registry without a parent or guardian's written release to the following:

- Employees of public agencies or departments to carry out public duties and
- Health care professionals that provide genetic or counseling services to a child.

Any person that discloses confidential information for any other purpose will be liable for civil damages.

LORIE TOWE

021303 S First Read S226

EFFECTIVE : August 28, 2003

SB 0494

SENATE SPONSOR Klindt

1163S.01I

SB 494 - This act sweeps the balances of a number of Department of Natural Resource Fee Funds into General Revenue. This act also requires fees collected in various programs to be deposited into general revenue.

This act contains an emergency clause.
SARAH MORROW

021303 S First Read S226-227
021703 Second Read and Referred S Agriculture, Conservation, S244
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0495

SENATE SPONSOR Yeckel

1733S.01I

SB 495 - This act establishes a 65 mile per hour speed limit for trucks on the rural interstates and freeways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways. The act also establishes a 60 mph hour speed limit for trucks on rural expressways and a 55 mph speed limit for trucks on urban interstate highways, freeways and expressways. This portion of the act is similar to SB 148 (2003).

This act prohibits trucks (in excess of 48,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways or expressways of this state having three or more lanes of traffic proceeding in the same direction. This prohibition shall not apply under certain circumstances. This portion of the act is similar to SB 384 (2003).
STEPHEN WITTE

021303 S First Read S226
021703 Second Read and Referred S Transportation Committee S244

EFFECTIVE : August 28, 2003

SB 0496

SENATE SPONSOR Yeckel

1675S.01I

SB 496 This act allows the Division of Finance to issue biennial consumer credit licenses for certain finance companies. One-half of the fees would be paid at the time of licensing and the remaining balance one year later.

JIM ERTLE

021303 S First Read	S226
021703 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S244
022403 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2003

SB 0497

SENATE SPONSOR Yeckel

1174S.03I

SB 497 - This act creates the "Show Me Parental Choice Tax Credit Program," which will allow a tax credit against state tax liability for monetary contributions to Missouri non-profit corporations that provide scholarships to Kansas City or St. Louis students who qualify for the Federal Free & Reduced Price Lunch program. Such scholarships may be utilized for:

(1) Tuition or textbook expenses for, or transportation to, an eligible nonpublic school (i.e. private, religious, nonreligious, home or contract schools);

(2) Transportation expenses to a Missouri public school that is located outside the district in which the student resides;

(3) Tutorial scholarships for students who are enrolled in eligible public schools for tutorial assistance from a provider approved by the scholarship organization.

Further, this act creates, and allows a tax credit against state tax liability for monetary contributions to, the "Missouri Public School Improvement Fund", which shall be used for the payment of school improvement grants to public schools located in the St. Louis or Kansas City school district for educational program enhancements.

Also, this act creates, and allows a tax credit against state tax liability for monetary contributions to, the "Schools of Choice Resource Center Fund", which shall be distributed by the commissioner of education to one or more nonprofit organizations, selected by the commissioner, for the purpose of coordinating, staffing, and administering "Schools of Choice Resource Centers" in the Kansas City and St. Louis school

districts in order to assist parents in learning how to be better education consumers, to provide information on education alternatives in the area, and to assist parents, schools, and school boards in implementing and responding to this program.

The cumulative amount of tax credits which may be granted each fiscal year for contributions to eligible nonprofit scholarship funding organizations shall not exceed five million dollars. Further, the cumulative amount of tax credits which may be granted each fiscal year for eligible contributions to the Missouri public school improvement fund and the schools of choice resource center fund shall not exceed five million dollars.

DONALD THALHUBER

021303 S First Read

S226

EFFECTIVE : August 28, 2003

SB 0498

SENATE SPONSOR Yeckel

1673S.01I

SB 498 - This act modifies provisions relating to service on a jury and postponements and exemptions from such service. Currently, lawyers and persons with physical illness are ineligible for jury service. This act makes such persons eligible for service. Certain health care professionals, clergy, persons with employment in areas where their absence would affect the public safety, St. Louis city police officers and persons upon whom jury service would pose an extreme hardship are currently excused from jury service. This act makes them eligible to serve as jurors.

Certain individuals upon whom jury duty would cause undue or extreme physical or financial hardship or individuals with confirmed mental or physical conditions that causes them to be incapable of performing jury service may be apply to be excused from jury duty for a period of up to 24 months. The act defines what constitutes "undue or extreme physical or financial hardship" and provides that the certain documentation must be filed and that a judge must make the determination. After 24 months, the person is again eligible for jury duty unless the judge decides that the person should be permanently excused.

Individuals have the right to ask for a postponement of the date of initial appearance for jury duty. First requests shall be granted once the person provides the court with a new date within six months when such person shall appear for jury duty. A person who fails to appear for jury duty or who fails to obtain a postponement shall be guilty of a Class C misdemeanor.

Currently, after January 1, 2005, no person shall be required to attend court for more than two days unless selected for a jury panel. This act deletes the January 1, 2005 date and provides that a person shall not be required to attend court for more than one day unless selected for a jury panel.

A Lengthy Trial Fund is established. The executive council of the Judicial Conference of Missouri shall promulgate rules to administer the fund. The fund shall be used pay supplemental wages of up to \$300 per day for jurors beginning on the eleventh day of service. Each new case filing, with certain exceptions, must be accompanied by a \$20 fee that will be paid into the Fund.

Employees shall not be required to use annual, vacation or sick leave for time spent on jury duty. A court shall automatically postpone jury duty for an employee of an employer with five or fewer employees if another employee of the employer is summoned to appear during the same period.

JIM ERTLE

021303 S First Read	S226
021703 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S244

EFFECTIVE : August 28, 2003

SB 0499

SENATE SPONSOR Bartle

1745S.01I

SB 499 - This act reduces the salaries of members of the General Assembly in fiscal year 2004 to a sum equal to 97 percent of their salaries in fiscal year 2003.

This act has an emergency clause.

RICHARD MOORE

021303 S First Read	S226
021703 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S244

EFFECTIVE : Emergency Clause

SB 0500

SENATE SPONSOR Loudon

0391S.03I

SB 500 - This act modifies the adoption tax credit by eliminating the aggregate cap on the credit.

JEFF CRAVER

021303 S First Read S226
021703 Second Read and Referred S Ways and Means Committee S244

EFFECTIVE : August 28, 2003

SB 0501

SENATE SPONSOR Gross

1475S.01I

SB 501 - This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects.
STEPHEN WITTE

021703 S First Read S232
022503 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0502

SENATE SPONSOR Vogel

1763S.01I

SB 502 - This act creates the Exhibition Center & Recreation Facility District Act. The act enables citizens of Camden, Miller and Morgan counties to petition to create an exhibition center and recreation facility district. At least fifty property owners in the county must sign the petition.

The petition must include the petitioners names, a description of the district's boundaries, and the name of the proposed district. Once the petition is filed, the governing body may approve a resolution to the create the district. Following a public hearing, the governing body may adopt an order establishing the proposed district.

A board of trustees is created to administer any district created and the expenditure of revenue that accompanies such district. The governing body of each county within the district shall appoint four residents from the portion of the county within the district to serve on the board. The board will have the power to have a seal, sue and be sued, enter into contracts or other agreements affecting the affairs of the district, to borrow money, to issue bonds, to acquire and dispose of real and personal property, to refund bonds without an election, to manage the affairs of the district, to hire agents, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-half of one percent. The act includes ballot language to that effect. The act also includes the creation of a fund to receive such sales tax revenue and instructs the Director of the Department of Revenue to authorize disbursements to the district. The tax shall be reduced automatically to a rate of one-tenth of one percent after twenty-five years unless an extension is voted upon by the voters in the district.

This act makes a technical change to delete the requirement that the treasurer make the disbursements in the case of an overpayment, as such is not required for non-state funds.

This act is similar to HB 144 (2003).
JEFF CRAVER

021703 S First Read S232
022503 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0503

SENATE SPONSOR Jacob

1486S.03I

SB 503 - This act would require the state board of education to adopt rules to facilitate job-sharing by teachers. Job-sharing is defined as a certificated employee who is sharing a position with one other employee, is employed by the district for at least 50% of the workweek, and is spending at least 70% of his or her time in classroom instruction. Teachers in job-sharing positions will receive holidays and leave on a pro rata basis. Certain positions are excluded from job-sharing positions.

Teachers in eligible job-sharing positions will accrue membership service for retirement at the rate of one-half year for each regular district year of employment. The contribution rate for job-sharing positions for retirement purposes is one-half the rate for a full-time teacher.

CINDY KADLEC

021703 S First Read S232
022503 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0504

SENATE SPONSOR Clemens

1391S.01I

SB 504 - This act authorizes the City of Springfield, with approval of the governing authority of the city and the Department of Economic Development, to designate an additional satellite enterprise zone. The zone must be on land owned by the city which includes a certain wastewater treatment plant and a certain electric power plant.

JEFF CRAVER

021703 S First Read S232
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0505

SENATE SPONSOR Clemens

1709S.01I

SB 505 This act restricts the acquisition of farmland by eminent domain through the following:

- 1) For any right of way expansion, the state shall consider all alternative routes and the least intrusive routes and disclose the available routes and shall use a reasonable alternative instead of the taking;
- 2) Requires a public hearing if the owner is an unwilling seller;
- 3) Farmland taken by eminent domain shall not be resold or transferred to a private entity;
- 4) A landowner with land taken by eminent domain shall have five years from the taking to negotiate claims for damages from construction and maintenance; and
- 5) If a municipality condemns private property outside the incorporated limits, the municipality shall obtain the approval of the county governing board.

This act is identical to HB 447 (2003).

SARAH MORROW

021703 S First Read S232
022503 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0506

SENATE SPONSOR Clemens

1386S.01I

SB 506 - This act includes the use of lasers within the definition of the practice of dentistry.

This act is identical to HB 1743 (2002).
LORIE TOWE

021703 S First Read S232
022503 Second Read and Referred S Aging, Families & Mental & Public Health Committee
030503 Hearing Scheduled S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0507

SENATE SPONSOR Bray

1689S.01I

SB 507 - This act deletes the Academically Deficient Schools Program (Section 160.538, RSMo, and Section 160.540, RSMo) from the statutes.

DONALD THALHUBER

021703 S First Read S232

EFFECTIVE : August 28, 2003

SB 0508

SENATE SPONSOR Bray

1696S.02I

SB 508 - This act requires approval of a plan of development by majority vote of the governing body of a municipality when revenue bonds are to be issued for an industrial development project.

Such project plan shall include, in addition to the current law, the following information:

- (1) A statement identifying each taxing district affected by such project;
- (2) The most recent equalized assessed valuation of the real property and personal property included in the project, and an estimate as to the equalized assessed valuation of real property and personal property included in the project after development;
- (3) An analysis of the costs and benefits of the project on each taxing district; and
- (4) Identification of any payments in lieu of taxes, contributions, grants or other payments of any nature whatsoever

expected to be made by any lessee of the project, and the disposition of any such payments by the municipality.

Projects of a county must be located within an unincorporated area of such county except that such projects may be located within the incorporated limits of a city, town, or village within such county when approved by the governing body of such city, town, or village.

The act requires a public hearing, with notice provisions to the public and school districts, to hear and consider the proposed plans and any objections, if the plan for the project is approved after August 28, 2003.

After such plan is approved, payments in lieu of taxes shall be made by the lessee to reimburse the municipality for the actual costs of issuing the development bonds and administering the plan.

JEFF CRAVER

021703 S First Read S232
022503 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0509

SENATE SPONSOR Bray

1659S.01I

SB 509 - This act would require the labeling of bottled water. In order for bottled water to be sold in the state the bottled water manufacturer must provide on the label a toll-free number and an Internet website with information on the sources of water, level of regulated contaminants in the source water, any purification process used, and the company's compliance with applicable state and federal standards.

CINDY KADLEC

021703 S First Read S232
022503 Second Read and Referred S Commerce and Environment
Committee
030403 Hearing Scheduled S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0510

SENATE SPONSOR Kinder

1111S.01I

SB 510 - This act extends the federal reimbursement allowance program for hospitals to September 30, 2006.
LORIE TOWE

021703 S First Read S232
022503 Second Read and Referred S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0511

SENATE SPONSOR Kinder

1740S.01I

SB 511 - This act establishes the Joint Committee on the Life Sciences. The Joint Committee will be composed of seven members from the Senate, who will be appointed by the President Pro Tem and the Senate's minority floor leader, and seven members from the House, who will be appointed by the Speaker and the House's minority floor leader. Members shall serve until a successor is appointed. One Senate member and one House member shall be selected as a chairperson and vice-chairperson, with the chairpersonship alternating between the Senate and the House every two years.

The Joint Committee will be responsible for making recommendations that support life sciences research and commercialization in the following areas:

- Legislative implementation of Missouri's strategic plan for life sciences;
- Executive branch actions and policies;
- State investments;
- Changes in Missouri's tax system;
- Laws and policies designed to eliminate barriers and encourage new start-up life sciences companies in Missouri;
- Laws and policies that encourage the retention and recruitment of existing life sciences companies and life scientists; and
- Coordination of Missouri's existing scientific resources, including colleges and universities.

The Joint Committee will meet quarterly and members shall serve without compensation but may be reimbursed for any expenses incurred. The Joint Committee must compile an annual report to be submitted to the General Assembly by January 15th each year.
LORIE TOWE

021703 S First Read S232
022503 Second Read and Referred S Pensions & General Laws Committee

030403 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0512

SENATE SPONSOR Russell

1691S.01I

SB 512 - This act expands the authority of the Board of Public Buildings to issue revenue bonds. The act authorizes the Board to issue bonds for any state educational institution. The Board is allowed to consider appropriations by the General Assembly as net income and revenues. The Board and no longer tied to only issue revenue bonds which are payable from the net income and revenues arising from the operation of the project but simply requires repayment from the net income and revenues relating to any project. The act also expands the definition of "project" to include renovations, improvements and equipping of buildings and structures.

The Board is authorized to issue bonds to provide funds to refinance the payment of general revenue fund temporary notes issued by the Tobacco Settlement Financing Authority. The Board is also authorized to covenant to request annual appropriations in an amount sufficient to pay the principal, interest, and any reserve funds for bonds issued by the Board.

The Board's bonding authority is expanded from \$425 million to \$825 million.

This act contains an emergency clause.
CINDY KADLEC

021703 S First Read

S244

EFFECTIVE : Emergency Clause

SB 0513

SENATE SPONSOR Kennedy

1753S.01I

SB 513 - This act removes the deference given to the Board of Police when granting paid vacation based on the number of years of service by the member and only applies to the St. Louis City police department. Further, the act removes the deference given to the board when granting paid holidays to the member, but allows for compensation time in lieu of the actual holiday.

RICHARD MOORE

021703 S First Read S244
 022503 Second Read and Referred S Economic Development,
 Tourism & Local Government Committee
 030503 Hearing Scheduled S Economic Development, Tourism &
 Local Government Committee

EFFECTIVE : August 28, 2003

SB 0514

SENATE SPONSOR Kennedy

0183S.02I

SB 514 - BILL WITHDRAWN

021703 S First Read S244
 021803 Bill Withdrawn

EFFECTIVE : August 28, 2003

SB 0515

SENATE SPONSOR Bland

1046S.01I

SB 515 - This act provides for the licensing of advanced practice registered nurses. The act provides definitions for "advanced practice nursing", an "advanced practice registered nurse", and "lapsed license status". The definition of "registered professional nursing" is modified to include acts done without compensation.

Licensed practical nurses are authorized to establish peripheral vascular access for the administration of select intravenous infusion treatment modalities. Currently, licensed practical nurses are authorized to administer intravenous fluid treatment.

The act establishes licensing procedures for applicants to practice as an advanced practice registered nurse. The applicant must demonstrate completion of certain educational and experience requirements. Applicants are exempt from meeting the educational requirements if they have earned a professional nursing degree and have enrolled in certain accredited programs for advanced practice registered nurses prior September 1, 2003, and have earned an advanced practice registered nurse certificate before December 31, 2005, and have submitted a completed application for licensure to the board before December 31, 2005. The act provides for the issuance of a temporary permit, under certain conditions, to an applicant while the application is pending.

Registered professional nurses who are recognized by the

board to title and practice as an advanced practice nurse before December 31, 2003, and whose recognition is current and active, shall be issued an advanced practice registered nurse license and be exempt from the licensing requirements for advanced practice registered nurses contained in this act.

JIM ERTLE

021703 S First Read S244
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0516

SENATE SPONSOR Kennedy

1661S.01I

SB 516 - This act allows members of the St. Louis Police Retirement System to purchase their deferred retirement option period. This would enable members who cease participation in the deferred retirement option plan (DROP) to make an election to purchase the creditable service for participation in the DROP. This would also allow members to receive their retirement benefit based on a higher average compensation and a higher benefit formula calculation. Upon the election, the member must pay for the employee contributions the member would have made for the entire DROP period purchased.

CINDY KADLEC

021803 S First Read S250
022503 Second Read and Referred S Pensions & General Laws
Committee
030403 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0517

SENATE SPONSOR Jacob

1681S.02I

SB 517 - Under this act, a person whose driver's license has been revoked due to accumulating 12 points within 12 months, 18 points within 24 months, or 24 points within 36 months shall be required to carry liability insurance in the amount of 50/100/20 (\$50,000 death or bodily injury of one person, \$100,000 for two or more persons, \$25,000 property damage) in order to have his or her license reinstated.

SECOND REVOCATION - If a person's license is revoked a second

time, then the person must file proof of financial responsibility with the department of revenue in the following amounts in order to have his or her license reinstated:

1. \$75,000 death or bodily injury of one person
2. \$150,000 for two or more persons
3. \$50,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a second time is increased to three years.

THIRD REVOCATION - If a person's license is revoked a third time, then the person must file proof of financial responsibility with the department of revenue in the following amounts in order to have his or her license reinstated:

1. \$100,000 death or bodily injury of one person
2. \$200,000 for two or more persons
3. \$75,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a third or subsequent time is increased to five years.

FOURTH OR SUBSEQUENT REVOCATION - If a person's license is revoked a fourth or subsequent time, then the person must file proof of financial responsibility with the Department of Revenue in the following amounts in order to have his or her license reinstated:

1. \$250,000 death or bodily injury of one person
2. \$500,000 for two or more persons
3. \$100,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a fourth time is increased to seven years. The revocation period for a person whose license is revoked due to excessive points for a fifth or subsequent time is increased to ten years.

STEPHEN WITTE

021803 S First Read

S250

022503 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0518

SENATE SPONSOR Steelman

1647S.01I

SB 518 - This act prohibits members of the Administrative Hearings Commission and Administrative Law Judges for Worker's Compensation and the Division of Motor Carrier and Railroad Safety from establishing, maintaining or contributing to campaign accounts.

CINDY KADLEC

021803 S First Read S250-251
022503 Second Read and Referred S Governmental
Accountability and Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0519

SENATE SPONSOR Foster

1672S.01I

SB 519 - This act applies standards to be utilized by the Board of Arbitration in determining whether a proposed school district boundary change is necessary. The standards for such a determination include the presence of: school-aged children in the affected area; actual educational harm to school-age children (significant differences in transportation time or educational opportunities); an educational necessity, not a commercial benefit to landowners.

This act is identical to SB 1050 (2002).
DONALD THALHUBER

021803 S First Read S251
022503 Second Read and Referred S Education Committee
030403 Hearing Scheduled S Education Committee

EFFECTIVE : August 28, 2003

SB 0520

SENATE SPONSOR Klindt

1361S.01I

SB 520 - This act asserts that the A+ schools reimbursements shall not be issued to any four-year institutions of higher education, regardless of whether such reimbursements are made indirectly by means of a public community college or vocational or technical school. Further, the act specifies that in order for any public community college or vocational or technical school to receive reimbursements from the A+ schools program, the qualifying student must exclusively attend a public community college or vocational or technical school.

DONALD THALHUBER

021803 S First Read S255
022503 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0521

SENATE SPONSOR Gross

1683S.01I

SB 521 - This act prohibits public entities and their agents from requiring a bidder, proposer, or contractor to obtain a surety bond from a particular company in connection with any contract for construction of public works.

This act is similar to HB 314 (2003).
RICHARD MOORE

021803 S First Read S255
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0522

SENATE SPONSOR Gross

1761S.01I

SB 522 - This act enables a county to submit to a vote a sales tax of one fifth of one percent for capital improvement purposes. Current law authorizes every aspect of this tax already, except for the specific rate of one-fifth of one percent. Current law allows for various rates to be voted on from one-eighth to one-half of one percent.

JEFF CRAVER

021803 S First Read S256
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0523

SENATE SPONSOR Kennedy

1585S.01I

SB 523 - This act regulates the licensure and registration of marital and family therapists and counselors.

Section 337.300 provides the necessary definitions for professional counselors and marital and family therapists. Section 337.303 creates the Board of Counselors and Therapists, which shall consist of nine members to be appointed by the Governor.

Section 337.305 abolishes the State Committee of Marital and Family Therapists and the Committee for Professional Counselors and their duties will merge into the Board of Counselors and Therapists.

Communications made to licensed professional counselors and licensed marital and family therapists shall be considered privileged (Section 337.306).

The Board of Counselors and Therapists Fund is created in the state treasury and will consist of all moneys collected by the Board (Section 337.312).

The Board has the authority to promulgate rules for applications for licenses, fees, examinations, and determining grievances and violations (Section 337.315).

Section 337.403 prohibits any unlicensed person from being referred to or practicing as a marital and family therapist.

Section 337.406 requires marital and family therapists to be licensed and meet the requisite educational and examination requirements to practice and be compensated. Sections 337.412 and 337.415 detail the licensure requirements for marital and family therapists.

Licenses for marital and family therapists will expire every two years. The Board may issue temporary permits for extenuating circumstances (Section 337.418). The Board may refuse to issue or renew a license for a marital and family therapist for any one of a combination of specified causes (Section 337.430).

Anyone violating the provisions of §337.400 to §337.430 will be guilty of a Class B misdemeanor (Section 337.433).

The Board shall have the authority to issue subpoenas and require production of documents and records (Section 337.440).

Section 337.505 prohibits any unlicensed person from being

referred to or practicing as a professional counselor.

Sections 337.507 and 337.510 detail the licensure requirements for professional counselors. The Board may refuse to issue or renew a license for a professional counselor for any one of a combination of specified causes (Section 337.525).

Anyone violating the provisions of §337.505 to §337.540 will be guilty of a Class B misdemeanor (Section 337.530).

LORIE TOWE

021803 S First Read S256
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0524

SENATE SPONSOR Jacob

1796S.01I

SB 524 - This act modifies current law to allow any county of the first classification without a charter form of government to create a geographical information system. Under current law only counties of the first classification without a charter form of government and a population of at least two hundred thousand inhabitants and containing a city with a population of at least one hundred forty-four thousand but not more than three hundred thousand inhabitants may create a geographical information system.

This act is similar to HB 388 (2003).
RICHARD MOORE

021803 S First Read S256
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0525

SENATE SPONSOR Dolan

1732S.03I

SB 525 - This act adds a student member with full voting powers to the Board of Regents, Governors, and Curators of several of the public institutions of higher education in this state.

UNIVERSITY OF MISSOURI SYSTEM

SECTION 172.030 - This section asserts that one of the nine members of the Board of Curators of the University of Missouri System shall be a current full-time student of the University of Missouri, whose title shall be student curator. The student curator shall possess full voting powers and shall serve a term of two years provided that the student maintains the status of a full-time student.

SECTION 172.035 - This section, which articulates the conditions regarding the non-voting student representative on the Board of Curators, has been removed.

SECTION 172.037 - The provisions which reference the limitations of the student representative's powers have been removed from this section.

SOUTHEAST MISSOURI STATE UNIVERSITY

SECTION 174.050 - This section, which was last amended in 1949, used to apply to all of the boards of regents of higher education institutions in the chapter. However, only one institution (Southeast Missouri State University) currently is governed by this section. The section has been altered to exclusively apply to Southeast Missouri State University. Further, the section has been amended to allow for a student regent with full voting powers.

SECTION 174.055 - This section, which articulates the conditions regarding the non-voting student representative on the Board of Regents, has been removed.

MISSOURI SOUTHERN STATE COLLEGE AND MISSOURI WESTERN STATE COLLEGE

SECTION 174.241 - This section has been altered to allow for a student regent with full voting powers on the Board of Regents of both Missouri Southern State College and Missouri Western State College.

HARRIS STOWE COLLEGE

SECTION 174.300 - This section has been altered to allow for a student regent with full voting powers on the Board of Regents of Harris Stowe College.

NORTHWEST MISSOURI STATE UNIVERSITY

SECTION 174.332 - This section has been altered to allow for a student regent with full voting powers on the Board of Regents of Northwest Missouri State University.

CENTRAL MISSOURI STATE UNIVERSITY AND SOUTHWEST MISSOURI STATE UNIVERSITY

SECTION 174.450 - This section has been altered to allow for a student governor with full voting powers on the Board of Governors of both Central Missouri State University and Southwest Missouri State University.

TRUMAN STATE UNIVERSITY

SECTION 174.610 - This section has been altered to allow for a student governor with full voting powers on the Board of Governors of Truman State University.

SECTION 174.621 - The provisions which reference the limitations of the student representative's powers have been removed from this section.

LINCOLN UNIVERSITY

SECTION 175.020 - This section asserts that one of the nine members of the Board of Curators of Lincoln University shall be a current full-time student of the University, whose title shall be student curator. The student curator shall possess full voting powers and shall serve a term of two years provided that the student maintains the status of a full-time student. This section conforms to the University System statute due to the provisions of 175.040, which articulates that "the Board of Curators of the Lincoln University shall organize after the manner of the board of curators of the state University of Missouri".

SECTION 175.021 - This section, which articulates the conditions regarding the non-voting student representative on the Board of Curators, has been removed.

SECTION 175.023 - The provisions which reference the limitations of the student representative's powers have been removed from this section.

LINN STATE TECHNICAL COLLEGE

SECTION 178.632 - This section has been modified to allow for a student regent with full voting powers on the governing board of Linn State Technical College.

This act is similar to HB 1527 (2002).
DONALD THALHUBER

021903 S First Read S261
022503 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0526

SENATE SPONSOR Gross

1546S.01I

SB 526 - This act prohibits charging contingent attorney's fees based upon a reduction of a taxpayer tax liability in any property tax appeal to the board of equalization, the state tax commission or any court of this state.

JEFF CRAVER

021903 S First Read S262

022503 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0527

SENATE SPONSOR Gross

1757S.01I

SB 527 - This act modifies the cost of a merchant's license. The section governing this law was double enacted in 1994. That means that different language was passed in two bills that enacted the same section. This act repeals one of the versions of this section entirely and modifies the other.

The resulting fee structure from this act will enable the governing body of all charter counties and the city of St. Louis to assess a fee of up to \$25, adjusted annually for inflation, not to exceed \$100. Current law sets the fee in these counties and St. Louis at \$5, except for Jackson county, where current law lets the governing body set the fee, not to exceed \$100.

In all other counties, this act sets a fee of \$25. Currently, the double enacted sections conflict on this amount, setting it at \$5 in one and \$25 in the other.

JEFF CRAVER

021903 S First Read S262
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0528

SENATE SPONSOR Gross

1693S.02I

SB 528 - This act sets out the requirements for a peace officer to obtain a warrant via the telephone. This act allows the prosecuting attorney to give voice authorization to the applicant to affix his or her signature to the application. After the prosecutor's signature is affixed, the applicant shall contact a judge who may take an oral statement under oath that is recorded. This act also sets out the forms for the application and affidavit for a telephonic search warrant.

SARAH MORROW

021903 S First Read S262
022503 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0529

SENATE SPONSOR Childers

1676S.02I

SB 529 - Under this act, any railroad which transverses state lines and which is domiciled in Missouri may be designated by the Division of Tourism as an official state railroad.

STEPHEN WITTE

021903 S First Read S262
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0530

SENATE SPONSOR Childers

1679S.01I

SB 530 - This act provides a sales tax exemption for all ticket sales for railway excursions which go less than fifty miles from their origination, do not exceed one hundred miles in total length, and traverse state lines on standard gauge track as part of the federal railroad system of transportation.

This act is similar to HB 994 (2001) and SB 1058 (2002).
JEFF CRAVER

021903 S First Read S262
022503 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0531

SENATE SPONSOR Childers

1790S.01I

SB 531 - This act eliminates the presidential primary in Missouri.

This act is identical to HB 387 (2003).
JIM ERTL

021903 S First Read S262
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0532

SENATE SPONSOR Mathewson

1708S.02I

SB 532 - This act creates the "Pesticide Project Fund" in the state treasury. The money from the annual pesticide registration fee and a new annual registration fee of \$100 is imposed for each product registered. Up to thirty percent of the money in the fund shall be used for the administration of the Pesticide Project Fund and the pesticide registration program and at least seventy percent shall apply to pesticide education programs, applicator training, and other educational and safety programs.

A "Pesticide Project Fund Grant Review Committee" is created by the Director of the Department of Agriculture in consultation with the chair of the Senate and House Agriculture committees for the purposes of evaluating projects and making funding awards. Members shall serve four years and not be compensated but will be reimbursed for necessary expenses.

In order to be eligible for moneys in the Pesticide Project Fund, applicants submit a proposed plan to the Director by March 31. Approval of funding is determined by the Pesticide Project Fund Grant Committee. Applicants that are successful in their bid for grants must submit a report containing an accounting of all moneys expended. Any unobligated or unexpended project moneys allocated to a recipient shall revert back to the Pesticide Project Fund within 60 days after the close of the project. If a recipient fails to complete a project, the recipient shall submit partial or full repayment as determined by the Director.

If the balance in the Pesticide Project Fund exceeds \$3 million in unobligated funds during any fiscal year, the pesticide registration fees shall be reduced to \$15 during the following registration period. If the fund falls below \$1 million, the pesticide registration fee shall be increased to \$115 until the fund attains the balance of \$3 million in unobligated funds.

The Pesticide Project Fund is administered by the Plant

Industries Division within the Department of Agriculture. The Department is required to submit a written report to both the House and Senate Agriculture Committees that provides a detailed account of the programs funded and grants made for the fund.

This act requires anyone who sells or commercially transports pesticides pays an annual \$115 registration fee for each product to the General Revenue Fund. This act adds to the annual fee an additional \$100 and changes the late renewal penalty from \$5 to \$50. For each registration, \$15 is credited to the General Revenue Fund and the remainder is deposited in the Pesticide Project Fund. Pesticides must be registered as new products if there is a change in company name, trade name, active ingredient, concentration, or federal registration number.

This act is similar to HB 355 (2003).
SARAH MORROW

021903 S First Read S262
022503 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0533

SENATE SPONSOR Cauthorn

1818S.01I

SB 533 - This act allows employees that are a member of a religious organization which has tenants or teachings opposed to acceptance of insurance benefits the opportunity to prospectively reject the provisions of Chapter 287, RSMo.
RICHARD MOORE

021903 S First Read S262
022503 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
030503 Hearing Scheduled S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0534

SENATE SPONSOR Cauthorn

1541S.01I

SB 534 - This act includes definitions for "protective oversight" and "voluntary leave" in the Omnibus Nursing Home Act.

Protective oversight is defined as a twenty-four hour awareness of the location of a resident and the ability to intervene and supervise the nutrition, medication, and care of the resident.

Voluntary leave is defined as an off-premise leave initiated by a competent resident or the legal guardian of an incompetent resident.

LORIE TOWE

021903 S First Read S262
022503 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0535

SENATE SPONSOR Yeckel

1706S.01I

SB 535 - This act requires licensed professional counselors who wish to diagnose persons with mental and emotional disorders to complete certain graduate education in the diagnosis of persons with mental and emotional disorders. This requirement shall apply to initial licensees beginning August 28, 2005 and current licensees beginning August 28, 2006.

The act creates new definitions for "assessment", "consulting", "the practice of professional counseling", "professional counseling", "referral", and "research".

The Committee for Professional Counselors may establish continuing education requirements necessary for licensees to maintain their licenses.

JIM ERTLE

021903 S First Read S262
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0536

SENATE SPONSOR Jacob

1792S.02I

SB 536 - This act makes various changes related to taxation.

The act:

- (1) Requires every vendor or affiliate of a vendor seeking

to contract to provide goods and services to the State of Missouri to collect and pay all sales and use taxes;

(2) Imposes an individual income tax surcharge of 5% of income taxes owed on taxpayers with a federal adjusted gross income of \$200,000 or more;

(3) Beginning January 1, 2004, reduces the state corporate income tax rate from 6.25% to 5.25%;

(4) Makes the federal accelerated depreciation decoupling from SB 1248 (2002) permanent;

(5) Requires all lottery and other gaming winnings to be included in Missouri nonresident adjusted gross income when the winnings are from a Missouri source;

(6) Eliminates the timely filing allowance for employers collecting and remitting state income tax withholdings;

(7) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes;

(8) Modifies the apportionment fraction allowed under Missouri corporation income tax for determining the amount of income apportioned to Missouri from business activities of the corporation;

(9) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption;

(10) Authorizes a state and local sales and use tax holiday for certain clothing, personal computers, and school supplies purchased during a three-day period every August. Local political subdivisions may opt to include their levies in the tax holiday. The Sales Tax Holiday Joint Committee is created to study the effects of the tax holiday and make recommendations to the General Assembly;

(11) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. A retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections;

(12) Eliminates the payment in-lieu of tax on certain large boats or vessels documented with the U. S. Coast Guard. The act subjects these boats and vessels to state and local sales and use taxes;

(13) Enables the Secretary of State to dissolve a corporation administratively if the corporation fails to file a Missouri corporation franchise report;

(14) Automatically decouples Missouri income tax provisions when the federal government amends the Internal Revenue Code in a manner that affects the determination of Missouri taxable income;

(15) Requires a tax clearance from the Department of Revenue prior to the issuance or renewal of any local government business license;

(16) Requires as a condition of employment with the executive branch of state government that all state taxes due be filed and paid by the employee; and

(17) Requires a tax clearance from the Department of Revenue prior to the issuance or renewal of any professional license granted by the state.

This act is similar to HB 503 (2003).
JEFF CRAVER

021903 S First Read S262
022503 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0537

SENATE SPONSOR Jacob

1798S.01I

SB 537 - This act authorizes the Boone County Counselor to prosecute certain misdemeanors in order to seek a civil fine of not more than \$1,000 per violation. Fines collected pursuant to this act shall be paid into the county general fund to be used to pay for the cost of enforcement of such misdemeanors.

JIM ERTLE

021903 S First Read S262
022503 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
030303 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent

EFFECTIVE : August 28, 2003

SB 0538

SENATE SPONSOR Dolan

1768S.01I

SB 538 - This act makes it a Class C felony for any person who knowingly obtains, possesses or uses personal identifying information without the consent of the person and having the intent to obtain anything of value or to avoid legal consequences. This act defines "identifying information".

This act also makes it a Class C felony for a person to sell, transfer or purchase identifying information with the

intent to commit financial identity fraud, or to assist another person in committing financial identity fraud.

SARAH MORROW

021903	S First Read	S262
022503	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	
030303	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2003

SB 0539

SENATE SPONSOR Bray

1812S.01I

SB 539 - This act modifies the law relating to residential property insurance.

RESIDENTIAL INSURANCE - Under this act, an insurer may cancel a homeowner's policy if physical changes in the property insured have significantly increased the hazards originally insured. Under the current law, an insurer may cancel the policy if physical changes have increased the hazards originally insured.

Under this act, the insurer must give the insured 60 days notice prior to cancelling the insured's policy (current law is 30 days). The insurer must also give the insured 60 days of its intention not to renew a policy.

Under this act, homeowner insurance companies shall not consider as a claim any inquiry made by the insured as to whether the policy covers a certain loss or whether the policy provides a certain type or level of coverage. Homeowner insurance companies are prohibited from refusing to renew a policy on the basis of a weather-related claim. Further, insurers are prohibited from using a rating plan or a rating system which surcharges the insured's dwelling fire or homeowners insurance premium based upon the insured's weather-related claims or upon inquiries into whether the policy covers certain losses.

FAIR PLAN - Under this act, the name of the Missouri Basic Property Insurance Inspection and Placement Program is changed to the Fair Access to Insurance Requirements (FAIR) plan. FAIR plans were created in the late 1960's to make property insurance more readily available to people who can't obtain it from private insurers because their property is considered "high risk". The plans are operated by the insurance industry and make insurance available to property owners meeting certain requirements. Under the act, the FAIR plan is to offer dwelling fire, commercial fire and homeowners coverage for property owners, renters, and

condominium owners. These coverages shall be similar to what is available in the standard market and provide protection against loss from various hazards.

The act increases the amount of property insurance coverage a person can obtain through the program on residential property from \$100,000 to \$300,000 and on commercial property from \$1,000,000 to \$3,000,000.

Under this act, the length of time in which the facility must approve or decline whether the FAIR plan will insure a potential insured is decreased from 5 days to 3 days after the inspection report and application are received.

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use.

A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days).

The governing committee of the FAIR plan is increase by two members (for a total of 15 members). The two new members shall be consumer representatives. Under this act, the date of the annual meeting of the insurers and the governing committee must also be approved by the Director.

STEPHEN WITTE

021903	S First Read	S262
022503	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	
030503	Hearing Scheduled S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2003

SB 0540

SENATE SPONSOR Gross

1765S.02I

SB 540 - This act prohibits the holder of a microbrewer's license, his agents, or affiliates from possessing more than ten licenses, nor have a financial interest in the business of another that sells intoxicating liquor by the drink at retail for consumption on such premises. Further, the act exempts microbrewer's who hold a license to sell intoxicating liquor by the drink at retail for consumption on the premises to sell their product that was produced on site without complying with Section 311.280, RSMo. However, all other intoxicating liquor sold by the drink at retail for consumption on the premises must be

obtained in compliance with Section 311.280, RSMo.
RICHARD MOORE

021903 S First Read S262-263
022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0541

SENATE SPONSOR Scott

1783S.01I

SB 541 - This act includes health care providers that
provide services to patients or inmates of county jails within
the State Legal Expense Fund.

JIM ERTLE

021903 S First Read S263
022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0542

SENATE SPONSOR Caskey

1684S.01I

SB 542 - This act revises the compensation rates and
retirement benefits for Administrative Law Judges and Legal
Advisors. The act removes the 80% of the Associate Division
Circuit Judge Compensation rate for Legal Advisors. The rate for
the Chief Legal Advisor is also removed.

This act provides that any Administrative Law Judge or Legal
Advisor who is originally employed as such on or after January 1,
2004, are no longer eligible to participate in the Administrative
Law Judge and Legal Advisor's Retirement System but rather are
covered under the state employees' retirement system. However,
no Administrative Law Judge or Legal Advisor who is employed
before January 1, 2004, or who has retired before that date will
be affected by this act.

The liabilities and assets of the Administrative Law Judge's
and Legal Advisor's retirement system are transferred and
combined with the state employees' retirement system. The
contribution rate certified by the Board shall include amounts

necessary to cover the costs of Administrative Law Judge's and Legal Advisor's retirement system.

This act adds Administrative Law Judges from the Division of Workers' Compensation to the "The Judicial Conference of the State of Missouri".

The act also allows administrative law judges from the Division of Workers' Compensation to make an election to transfer their membership service in the ALJ and Legal Advisor's Retirement Plan to the Judicial Plan. Such an election must be made in writing to MOSERS and the State Courts Administrator. The retirement, age and service requirements under the ALJ retirement system shall continue to apply.
CINDY KADLEC

021903 S First Read S266
022503 Second Read and Referred S Pensions & General Laws
Committee
030403 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0543

SENATE SPONSOR Dougherty

1499S.02I

SB 543 - This act makes several changes to criminal background checks.

HIGHWAY PATROL

The act adds the definitions of "administration of criminal justice" and "Missouri charge code". The Missouri charge code is a unique number assigned by the state court administrator to an offense for tracking purposes (Section 43.500).

ARREST, CHARGE AND DISPOSITION OF MISDEMEANORS AND FELONIES (including juveniles) - The act requires law enforcement agencies and the clerk of court to submit certain criminal arrest, charge and disposition information to the central repository within 15 days for the purpose of maintaining complete and accurate criminal history record information (Section 43.503).

If the person being reported is a juvenile and not certified as an adult, the name of the juvenile shall not be made available to the central repository. The name shall be provided to the court of jurisdiction by the agency taking the juvenile into custody.

If the individual is certified as an adult, the court shall order a law enforcement agency to fingerprint the individual.

Once fingerprinted, the law enforcement agency shall submit such fingerprints to the central repository within 15 days.

CRIMES TO BE REPORTED, METHODS OF REPORTING AND EXEMPTIONS
This section makes some technical changes (Section 43.506).

PAYMENTS FOR RECORDS, EXCEPTIONS - Removes the charge for information from the criminal registry for information supplied to criminal justice agencies or for state agencies screening state employees or applicants (Section 43.527).

FEES, METHOD OF PAYMENT-CRIMINAL RECORD SYSTEM FUND - The act limits the amount the highway patrol may charge of a criminal history check to \$5 for a non-fingerprint search and \$14 for a fingerprint search (Section 43.530).

WHEN RECORDS MAY BE OBTAINED - This section requires the criminal history and identification records obtained from the central repository to be used only for the purpose for which they were obtained. This allows the subject of the record to challenge the accuracy of the criminal history record (Section 43.532).

This section also gives the criminal records repository exclusive authority to engage in collecting, assembling, or disseminating criminal history records. It is a Class A misdemeanor for a person to collect or disseminate criminal history record information to anyone other than the original requestor.

CRIMINAL CONVICTION RECORD CHECKS - The act defines "authorized state agency", "care", "national criminal record review", and "qualified entity" and expands the definition of "provider" to include any person who is employed by or seeks employment with a qualified entity; any person who volunteers with a qualified entity, owns or operates a qualified entity; or a person who has unsupervised access to children or the elderly.

A qualified entity may obtain a criminal record review of a provider from the Highway Patrol by furnishing the information on forms that are approved by the Highway Patrol. If an authorized state agency agrees to process state and national criminal record (Section 43.540).

CERTAIN AGENCIES TO SUBMIT FINGERPRINTS - The act allows the following agencies to require applicants to submit fingerprints for a criminal history check: Division of Professional Registration, Department of Social Services, the State Supreme Court, Department of Elementary and Secondary Education, Missouri Lottery, and other appointments or persons seeking employment with a criminal justice agency (Section 43.543).

TEACHERS - The act prohibits school employees from having unsupervised contact with students until a criminal history

background check has been completed. The person shall submit two sets of fingerprints, one for the Highway Patrol, the other for the FBI. The individual is required to pay the processing fee, but may be reimbursed by the employing school. If the background check reveals a charge or disposition, the information will be reported to the Department of Elementary and Secondary Education. A school official making a report to DESE under this section shall not be held civilly liable. This section gives DESE rulemaking authority. The effective date of this section is January 1, 2004 (Section 168.283).

CHILD PROTECTION AND REFORMATION - EMERGENCY PLACEMENT BACKGROUND CHECKS - This section allows the juvenile court or DFS to request a name-based criminal history record check, including orders of protection and outstanding warrants of each individual 18 years of age or older using MULES or the National Crime Information Center (NCIC) if there is an emergency placement of a child in a private home. If the name-based search is conducted, within five business days after the emergency placement of the child, all individuals age 18 or over residing in the home shall provide two sets of fingerprints to local law enforcement. One set of prints is used to search the criminal history repository and the second is forwarded to the FBI. If any person fails to comply, the child shall be removed immediately.

If a placement is denied based on the name-based criminal history check and the denial is contested, persons residing in the residence over the age of 18 shall submit two sets of fingerprints to be checked with the criminal history repository and the FBI (Section 210.482).

ORDERS OF PROTECTION - This section requires the Division of Family Services to conduct a search for any adult in the applicants's household for orders of protection. The request is made through the Office of State Courts Administrator and a response is provided to the division within 10 days of a request. The Division shall also obtain two sets of fingerprints, one for the criminal history repository and one for the FBI. This section allows the division to make arrangement with other branch agencies to obtain any investigative background information. This also gives the Division rulemaking authority (Section 210.487).

FAMILY CARE SAFETY ACT - FAMILY CARE SAFETY REGISTRY - The act adds several definitions including "designated release", "registration-exempt worker" and "human services provider". A "registration-exempt worker" is any person not required to register with the family care safety registry (Section 210.900).

The act allows human services providers to request a background screening on registration-exempt workers (Section 210.906).

The act allows the Department to determine history and background for registration-exempt workers with a completed designated-release form (Section 210.909).

RELEASE OF REGISTRY INFORMATION - The act allows the release of screening information to be used for purposes other than employer-employee relationship with the written permission of the applicant (Section 210.921).

USE OF REGISTRY INFORMATION - The act allows the Department of Health and Senior Services, the Department of Mental Health and the Department of Social Services to use registry information (Section 210.922).

SCHOOL BUS DRIVER PERMIT - Requires individuals obtaining a school bus driver permit to submit two sets of fingerprints to the highway patrol. The first is used to search the criminal history repository and the other is forwarded to the FBI. The applicant shall pay a fee. This section gives rulemaking authority to the Director of the Department of Revenue (Section 302.272).

GOVERNMENTAL BODIES AND RECORDS RECORDS TO BE CONFIDENTIAL
Makes closed records in Section 43.570, RSMo, available to agencies including: criminal justice agencies, person seeking criminal justice employment, screening persons with access to criminal justice facilities, law enforcement agencies for issuance or renewal of a licence, permit, certification, sentencing commission, Department of Revenue for drivers license administration and the Department of Health and Senior Services for the purpose of licencing and regulating facilities and regulating in home service providers.

A criminal justice agency receiving a request for criminal history information may require positive identification including fingerprints (Section 610.120).

PROCEDURE TO EXPUNGE - This section adds fingerprinting to the requirements for a person wishing to have an arrest expunged from his or her record (Section 610.123).

DEPARTMENT OF MENTAL HEALTH RECORDS CONFIDENTIAL - This section allows the Department of Health and Senior Services to report investigations of abuse, neglect or rights violations of patients that are civilly detained (Section 630.140).

INVESTIGATION OF REPORT-ABUSE PREVENTION - Adds the Department of Health and Senior services (Section 630.167).

DISQUALIFICATION FOR EMPLOYMENT BECAUSE OF CONVICTION
Adds the disqualification of a pleading not guilty or nolo contendere to any crime. Adds felonies of incest, first and second degree pharmacy robbery, causing a catastrophe, first

degree burglary and abuse or neglect of residence as disqualifying crimes. This section also adds that a person receiving an suspended imposition of sentence or suspended execution of sentence of any of the crimes listed in this section is disqualified from employment.

This section requires applicants for a direct care position to sign a consent form to conduct a criminal background check and disclose his or her criminal history. The applicant is also required to disclose if he or she is listed on the employee disqualification list.

Within two days of hiring for a position having contact with patients, any public or private residential facility shall: (1) request a criminal background check; (2) make an inquiry to the Department of Social Services and Department of Health and Senior Services where the person is on the disqualification list; and (3) inquire the Department of Mental Health whether the person is listed on the disqualification registry.

If an applicant knowingly fails to disclose his or her criminal history is guilty of a Class A misdemeanor. A provider is guilty of a Class A misdemeanor if he or she knowingly hires a person that has been disqualified (Section 630.170).

DEPARTMENT OF SOCIAL SERVICES CRIMINAL BACKGROUND CHECKS OF EMPLOYEES - The act removes public or private facility, day program, residential facility funded or licensed by the Department of Mental Health from the provider section (Section 660.317).

SARAH MORROW

021903 S First Read

S266

022503 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0544

SENATE SPONSOR Gross

1560S.03I

SCS/SB 544 - This act creates the Missouri Sunset Act. Each new program enacted into law will sunset after a period of not more than six years. A program may be re-authorized for a period of up to twelve years.

Two years before a program is scheduled to sunset, the agency responsible for administering the program is required to submit certain information regarding the public need for the program to continue in existence to the Committee on Legislative

Research. The Committee shall then hold public hearings and issue a report to the general assembly with recommendations on whether the program should continue, be reorganized, sunset or consolidated within state agencies not under review. Any recommendations that do not require statutory change shall be presented to the state auditor and used by the auditor in its next scheduled audit of the program to see how the agency has implemented the recommendations.

Programs that have been inactive for the two-year period prior to the scheduled sunset may be exempted from reporting, hearing and evaluation requirements. During each legislative session, Committee staff shall monitor legislation affecting programs that have undergone review and periodically report to the Committee any proposed legislative changes that would modify prior recommendations. Nothing in this act precludes the general assembly from terminating a program at an earlier date.

A program that is sunset shall continue in existence until June thirtieth of the following year. Any moneys remaining after sunset shall be transferred to general revenue. Property and records shall either go to the office of administration or a designated state agency. Bond indebtedness and other written obligations shall remain in effect until the terms are completed and paid in full.

The Committee may inspect the records of any state agency and shall have the full cooperation of state agencies and officials. Any state employee displaced by the sunset of a program shall be assisted by the state in relocating the displaced employee.

JIM ERTLE

021903	S First Read	S266
022003	Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee	S281
022403	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022703	SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee (1560S.04C)	

EFFECTIVE : August 28, 2003

SB 0545

SENATE SPONSOR Mathewson

1834S.01I

SB 545 - Under this act, a participating member agency may withdraw from the Missouri Consolidated Health Care Plan after the Missouri Consolidated Health Care Plan Board has received a certification from the agency's governing body at least 30 days

prior to end of the current plan year (decreased from 90 days). This act clarifies the termination date of public entities for non-payment. Under current law, if a participating member agency fails to make a payment, the board may terminate the agency's participation in the plan. This act holds that the effective date of the termination shall be the end of the month following the action of the board. Termination of coverage shall not relieve the participating member agency of its obligation to pay all monies due prior to the date of termination.

STEPHEN WITTE

021903 S First Read

EFFECTIVE : August 28, 2003

SB 0546

SENATE SPONSOR Caskey

1849S.01I

SB 546 - This act permits Johnson County to hold an election to impose a landfill fee for the benefit of the county. The fees, which may not exceed \$1.50 per ton will be collected by the landfill operation.

HENRY T. HERSCHEL

022003 S First Read

S277-278

022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

030503 Hearing Scheduled S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0547

SENATE SPONSOR Caskey

1856S.01I

SB 547 - This act removes one of the two salary schedules from the law setting salaries of county treasurers in Jackson County, and in second, third and fourth class counties. The schedule being removed had a lower minimum and maximum salary range than the one left in statute.

JEFF CRAVER

022003 S First Read

S278

022503 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

030503 Hearing Scheduled S Economic Development, Tourism, &

Local Government Committee

EFFECTIVE : August 28, 2003

SB 0548

SENATE SPONSOR Champion

1821S.01I

SB 548 - This act would require the Joint Committee on Legislative Research to file a report annually which will list the provisions of law which will be expiring within the next two years.

CINDY KADLEC

022003 S First Read

S278

022503 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0549

SENATE SPONSOR Days

1744S.01I

SB 549 - This act prohibits the disclosure of non-public health information. A new Section 191.890 is created to define terms such as "federal privacy rules", "health information", and "nonpublic personal health information".

This act prohibits the disclosure of personal health information, unless pursuant to written authorization, for the following purposes:

- for profit;
- for marketing of goods or services;
- to aid in an employment decision;
- for decisions regarding a persons' credit;
- to deliberately or maliciously cause harm to the person to whom the information pertains.

Any person who knowingly violates the provisions of this section will be charged an administrative penalty of up to \$500. Penalties may be assessed by an agency with primary regulatory authority or by the Attorney General. Penalties must be paid into the school fund. The Director of the Department of Insurance shall enforce this act.

Licensees (insurance companies) complying with HIPAA privacy rules will be deemed in compliance with this act. Until April 14, 2003, non-licensees subject to federal law will be in compliance with this act upon a showing of good faith. Personal

health information, however, may not be disclosed for marketing purposes even if compliance is established. Licensees complying with the model regulation, "Privacy of Consumer Financial and Health Information Regulation", will also be deemed in compliance.

This act does not apply to information disclosed for the following purposes:

- if prior written consent is given;
- if disclosure is pursuant to state or federal law;
- for consumer reporting purposes;
- in connection with the transfer of a business, operating unit, or loans if the disclosure is not the primary reason for the transfer.
- for purposes not specifically addressed in this section;
- if information was originally collected for certain marketing purposes

This act does not apply to the conduct of medical research as defined in 45 CFR part 46.

This act is similar to SCS/HB 1425 (2002) and SB 1171 (2002).

STEPHEN WITTE

022003 S First Read

S278

EFFECTIVE : August 28, 2003

SB 0550

SENATE SPONSOR Scott

1492S.01I

SB 550 - This act creates the crime of stealing if he or she is in possession of property possessed pursuant to a short-term rental contract and that person does not return the property at the end of the lease or if the person does return the property but does not pay the lease or rental charge agreed to. The crime is a Class C felony.

SARAH MORROW

022003 S First Read

S278

022503 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee

030303 Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0551

SENATE SPONSOR Yeckel

1833S.01I

SB 551 - This act creates the Missouri Medical Malpractice Joint Underwriting Association. The association will be an independent public corporation for the purpose of insuring health care providers against medical malpractice claims. It will operate as a domestic mutual insurance company and will not be a state agency. The association is granted the powers of a not for profit corporation. The association's members will consist of insurance companies authorized to write casualty insurance in Missouri. The association is authorized to issue medical malpractice insurance policies in amounts not to exceed \$1 million per claimant or \$3 million for all claimants under one policy. The association is authorized to make an assessment against member companies to meet the operational expenses of the association. The association shall be operational by March 1, 2004.

The act creates a Board of Directors for the association. The Board shall be appointed by January 1, 2004, and will consist of five members appointed by the Governor with the advice and consent of the Senate. The Board members' terms shall be five years. The Board shall adopt a plan of operation by March 1, 2004.

The Board must hire an administrator by March 1, 2004, to act as the association's chief executive officer. The administrator must formulate a risk management program for all policyholders. The program shall include an investigation into the causes of medical injuries, development of methods to control these injuries, and an audit of association members to assure implementation of the program. The plan may refuse to insure any insured who refuses to comply with the risk management program.

The act requires the Director of the Department of Insurance to obtain complete statistical data with respect to medical malpractice losses and well as the costs related to medical malpractice liability insurance. The Director shall promulgate a statistical plan relating to loss and loss adjustment expense experience.

The act requires an annual audit of the association. A copy of the audit report shall be filed with the Director of the Department of Insurance and shall be open to the public for inspection.

This act is similar to SB 1204 (2002).
STEPHEN WITTE

022003 S First Read S278
022503 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0552

SENATE SPONSOR Yeckel

1830S.01I

SB 552 - This act expands the list of property exempt from attachment to clarify that all qualified retirement plans will be exempt.

CINDY KADLEC

022003 S First Read
022503 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0553

SENATE SPONSOR Bartle

1844S.01I

SB 553 - This act removes the line 1(b) formula calculation (which currently determines an entitlement amount for any portion of a levy above the minimum-required levy) and alter the line 1(a) calculation accordingly, so that a district's entitlement would be the product of: multiplying the number of eligible pupils by the district's operating levy for school purposes multiplied by the guaranteed tax base per eligible pupil times the proration factor.

In other words, under the provisions of this act, should the formula be underfunded, all of the districts' entitlements will be calculated utilizing the same proration factor, regardless of the levy a district imposes. The current formula, if underfunded, applies a lower proration factor when calculating the portion of a district's entitlement which is above \$2.75.

DONALD THALHUBER

022003 S First Read S281
022503 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0554

SENATE SPONSOR Klindt

1852S.01I

SB 554 - This act extends the carry-back operating losses from farming from 2 years to 3 years.

SARAH MORROW

022003 S First Read S281

022503 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

022703 Hearing Scheduled But Not Heard S Agriculture,
Parks, Conservation and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0555

SENATE SPONSOR Kinder

1791S.02I

SB 555 - This act allows certain aluminum smelters that use over three million megawatt hours per year to enter contracts to purchase energy. Such agreements shall not be subject to Public Service Commission oversight relative to the rates agreed upon.

CINDY KADLEC

022003 S First Read S281

022503 Second Read and Referred S Commerce and Environment
Committee

030403 Hearing Scheduled S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0556

SENATE SPONSOR Kinder

0569S.20I

SB 556 - This act modifies various provisions relating to the protection of the elderly.

The Department of Health and Senior Services shall provide through their Internet website the most recent survey of every home health agency and any deficiencies. The agency's response to the survey will be posted on the website. If a survey is in dispute, the survey will not be posted until the agency's response has been reviewed. The website shall also include the agency's proposed plan of correction and a link to the federal

web site (Section 197.478).

The Department must maintain an employee disqualification list for home health agencies. The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list and the culpable mental state relates only to the conduct that resulted in the abuse or neglect (Section 197.500).

Section 198.006, RSMo, provides definitions for long-term care facilities.

The staff of a facility shall prepare copies of records requested by the Department on the day of request. The Department cannot remove or disassemble any medical record during an inspection of the facility, but may observe the photocopying or make their own copies if the facility lacks the technology. The Department may request from an out-of-state applicant the compliance history of all out-of-state facilities owned by the applicant from the previous five years (Section 198.022).

If a facility submits satisfactory documentation that a deficiency has been corrected, an on-site reinspection may not be required (Section 198.027).

Every residential care facility I or II, intermediate care facility, and skilled nursing facility must post the most recent inspection report in a conspicuous place (Section 198.030).

The Department must maintain a hot-line caller log for the reporting of suspected abuse and neglect in long-term care facilities. The Department must attempt to obtain the name and address of any person making a report after obtaining relevant information regarding the alleged abuse or neglect. The identity of the person making the report will remain confidential (Section 198.032).

The Department may revoke a license if the operator refused to allow the Department access to residents and employees, the operator or anyone involved in the operation has ever knowingly acted or knowingly failed to perform any duty that materially or adversely affected the health, safety, welfare, or property of a resident, or the operator or anyone involved in the operation has ever been convicted of a felony relating to the management of a facility. The Department shall not have access to information that is not necessary to carry out the duties of Section 198.006 to Section 198.186, RSMo (Section 198.036).

The Department shall impose sanctions that are commensurate with the seriousness of the violation found to have occurred. For class I, II, and III violations, the remedies specified in this section may be imposed (Section 198.066).

Section 198.067 states that the maximum amount of civil

penalties shall be twenty-five thousand dollars. The range of fines are: class I: \$1000 to \$10000; class II: \$250 to \$1000; and class III: \$50 to \$250.

When the Department imposes a class I fine, the fine shall be incurred immediately, regardless of any subsequent correction. Class II and III fines shall be imposed if the violation remains uncorrected at the time of re-inspection (Section 198.067).

The civil monetary penalties shall be distributed as follows: 25% to the Elderly Home-Delivered Meals Trust Fund, 25% to the Nursing Facility Quality Care Fund to be used for the sole purpose of supporting quality care improvement projects within the Office of State Ombudsman for Long-Term Care Facility Residents, and 50% to the Nursing Facility Quality Care Fund to assist qualified nursing facilities to improve the quality of service to the residents (Section 198.067).

The Department shall not impose a fine for self-reporting class II and class III violations so long as the violation is corrected within a specified amount of time and there is no reoccurrence of the particular violation for twelve months. Civil penalties shall remain the sole liability of the operator and cannot be sold, transferred, or assigned to any successor (Section 198.067).

Certain mandated reporters, including physician assistants and nurse practitioners, must immediately report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department. Any administrator of a facility that knowingly conceals an act of abuse or neglect that results in death or serious physical injury will be guilty of a Class D felony. The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list and the culpable mental state relates only to the conduct that resulted in the abuse or neglect (Section 198.070).

The staff of a residential care facility I and II, intermediate care facility, skilled nursing facility, home health agency, and hospice shall contact the attending physician, the resident's immediate family, and the local coroner or medical examiner immediately upon the death of a resident and prior to transferring the deceased to a funeral home (Section 198.071).

Nursing assistants must complete the training program within four months of employment. The training program can be offered at any facility licensed or approved by the Department (Section 198.082).

The Department must promulgate rules for the determination, selection or removal of qualified receivers. The Department must also maintain a list of qualified receivers that have submitted a written request for a receivership of a facility. When a

petition is filed, the Director of the Department must select the first name on the list and notify the person of their selection, the name of the facility, and the grounds for receivership. Names from the list will be chosen in consecutive order for each additional petition filed (Section 198.105).

Nursing home districts are prohibited from evicting, harassing, or retaliating against a resident or employee because of any reported violations made by the resident, resident's family, or employee of the facility. Residents and employees of a facility may obtain information regarding their rights and protections from the Department's telephone referral and information line (Section 198.301).

The Department may reduce the frequency of inspections to once a year if the facility is found to be in substantial compliance. Substantial compliance will be based on previous inspection reports, the facility's history of compliance, the number and severity of complaints received about the facility, and the facility having no changes in ownership, operator, or Director of Nursing. Any employee of the Department who knowingly discloses the time of an unannounced inspection will be guilty of a Class A misdemeanor and will be immediately terminated (Section 198.526).

The Department shall provide through their website the most recent survey of every long-term care facility and any deficiencies. The facility's response to the survey will be posted on the website. If a survey is in dispute, the survey will not be posted until the facility's response has been reviewed. The website shall also include the facility's proposed plan of correction and a link to the federal web site (Section 198.528).

If the Division of Family Services is unable to make a determination regarding Medicaid eligibility within sixty days of the submission of a completed application, then the patient will be Medicaid eligible until the application is approved or denied. However, the benefits shall not commence prior to the date of application (Section 208.072).

The patient care expenditure component of the nursing facility Medicaid per diem rate will include salaries and supplies for physical, occupational, speech and inhalation therapy. The provisions of this subsection will terminate on August 28, 2008. The prospective rate of a facility may be reduced if the facility's cost report is found to be fraudulent or inaccurate (Section 208.159).

The Department must promptly contact appropriate law enforcement agencies if they are unable to substantiate that abuse occurred due to the lack of cooperation of the operator and employees of the facility (Section 565.186).

Financial exploitation of an elderly or disabled person is a Class A misdemeanor if the property is less than \$50, a Class D felony if the property is greater than \$50 but less than \$500, a Class C felony if the property is greater than \$500 but less than \$1000, and a Class B felony if the property is \$1000 or more (Section 570.145).

Mental health facilities may disclose necessary information and records to the Department of Health and Senior Services for the investigation of abuse or neglect (Section 630.140).

Any person who purposely files a false report of abuse or neglect to the Department of Mental Health will be guilty of a Class A misdemeanor. Any person having a prior conviction of filing a false report of abuse or neglect will be guilty of a Class D felony (Section 630.165).

Statements made by persons sixty and older or disabled to the Department or law enforcement shall only be admissible into evidence in administrative or civil actions brought by the Department or in criminal proceedings if the court finds the statement to be sufficiently reliable and the person who recorded the statement is available to testify. Statements shall not be admissible unless the prosecuting attorney or the Department notifies the accused in advance of the intention to offer the statement into evidence (Section 660.264).

If the Department is conducting an investigation but is unable to access an eligible adult, the court may grant a warrant or other order to enter the premises, require production of information, and enjoin interference with an investigation (Section 660.270).

Certain mandated reporters, including physician assistants and nurse practitioners, must immediately report suspected abuse and neglect of an in-home services client to the Department. If the client's physician makes a report of suspected abuse or neglect, the Department shall continuously contact the physician regarding the progress of the investigation. The Department must also notify the client's case manager when a report of abuse or neglect is made. If an in-home service provider fails to report abuse or neglect, the Department may impose a fine of \$1000 per violation against the provider. The terms "knowingly" and "recklessly" are defined for placement on the employee disqualification list and the culpable mental state relates only to the conduct that resulted in the abuse or neglect (Section 660.300).

Once a report is received, the Department of Social Services shall immediately begin an investigation and contact the appropriate law enforcement agencies. The terms "knowingly" and "recklessly" are defined for placement on the employee

disqualification list for the Department of Mental Health and the culpable mental state relates only to the conduct that resulted in the abuse or neglect (Section 660.305).

The Department of Health and Senior Services is required to give written notice of any proposed action, such as suspension, probation, and termination, to in-home service providers. In-home service providers must be given administrative appeal rights (Section 660.310).

Any employer, who must discharge an employee that was placed on the employee disqualification list after the date of hire, will not be charged with unemployment insurance benefits (Section 660.315).

Prior to any contact with patients and residents, criminal background checks must be conducted on all full-time, part-time, or temporary employees that are hired or contracted for an employment agency. For applicants that have not resided in Missouri for five years from date of application, the provider must request a nationwide criminal FBI background check, with the applicant responsible for the costs (Section 660.317).

Upon request, the Department must provide the Division of Employment Security with copies of the investigative reports that led to the placement of the employee on the employee disqualification list (Section 660.320).

The Department is prohibited from disclosing any personally identifiable medical, social, personal, or financial records of an eligible adult, except by court order. The Department of Health and Senior Services, the Department of Mental Health, the Department of Social Services, the Attorney General, appropriate law enforcement, and the eligible adult can access these records for examination or copying without a court order (Section 660.321).

LORIE TOWE

022003	S First Read	S281
022503	Second Read and Referred S Aging, Families & Mental & Public Health Committee	
022603	Hearing Conducted S Aging, Families & Mental & Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0557

SENATE SPONSOR Shields

1742S.03I

SB 557 - This act modifies the law relating to pharmacists,

pharmacies, pharmaceutical services, and drug distributors.

Section 338.013 allows the Board of Pharmacy to place the names of pharmacy technicians on the employee disqualification list.

The Board may refuse to issue or renew any certificate of registration or license. The Board may restrict or suspend any license or registration if the conduct of the licensee or registrant constitutes a danger to the health and safety of the public (Section 338.055).

The Board may conduct a disciplinary hearing on an applicant who has been disciplined by another state, territory, or federal agency (Section 338.065).

Any unlicensed person or entity that fails to maintain the required license will be subject to civil penalties by the Board (Section 338.075).

The Board shall have the authority to administer oaths, issue subpoenas, and require production of documents and records (Section 338.145).

Any person who in good faith reports or provides services pursuant to Chapter 338, RSMo, shall be immune from civil liability (Section 338.155).

Section 338.220 adds two new pharmacy classifications: non-sterile compounding pharmacy and internet pharmacy.

The Board shall have the authority to terminate the distribution of prescription drugs that have been adulterated, misbranded, or stolen (Section 338.380).

LORIE TOWE

022003	S First Read	S281
022503	Second Read and Referred S Aging, Families & Mental & Public Health Committee	
030503	Hearing Scheduled S Aging, Families & Mental & Public Health Committee	

EFFECTIVE : August 28, 2003

SB 0558

SENATE SPONSOR Klindt

1820S.01I

SB 558 - This act requires that appropriate information relating to an offender be provided to the Department of Corrections including a certified copy of the sentence on the

standardized form developed by the Office of the State Courts Administrator.

This act also adds the names and last known address of victims, victim impact statements, facts relating the offender's home environment, and gang affiliations to the information required to be submitted to the Department of Corrections by the prosecutor.

This act also requires that the information provided to the Department of Corrections by the sheriff regarding the offender's physical and mental health while in jail include records on medication, care and treatment provided to the offender while in jail. The Sheriff shall provide certification of all applicable jail time credit.

Violation hearings for offenders who have violated any published rule or regulation of the correctional facility related to conduct are not contested cases under Chapter 536, RSMo, and hearings are not subject to the rules of evidence. Decision of these cases are final and unappealable.

SARAH MORROW

022403 S First Read

S287

EFFECTIVE : August 28, 2003

SB 0559

SENATE SPONSOR Klindt

1860S.01I

SB 559 - This act allows the Superintendent of the Highway Patrol to authorize officers to accept federal commissions to provide investigative and arrest authority and to enforce federal laws. The act also allows Highway Patrol officers to run for and hold positions as school board members.

This act is identical to HB 1581 (2002).

STEPHEN WITTE

022403 S First Read

S287-288

EFFECTIVE : August 28, 2003

SB 0560

SENATE SPONSOR Childers

1293S.05I

SB 560 - This act establishes a system by which the Clean

Water Commission determines a per capita cost average for all safe water remediation projects in the state to encourage the subsequent designer firms or engineers to prepare engineering plans which have an average cost less than the per capita average by offering bonuses for the below cost design.

The Commission establishes the per capita average cost by dividing up the state into six classes by population. This act would apply to any state or federally funded project.

HENRY T. HERSHEL

022403 S First Read

S287

EFFECTIVE : August 28, 2003

SB 0561

SENATE SPONSOR Dolan

1505S.01I

SB 561 - This act creates the Missouri Home Improvement Fraud Act. Under the auspices of this act, home improvement contractors are prohibited from engaging in certain fraudulent acts with respect to a home improvement contract. Violations of this act shall constitute an unfair business practice and shall be subject to the provisions of the Missouri Merchandising Practices Act.

FRAUDULENT ACTS - Under this act, a contractor shall not:

- (1) Misrepresent a material fact relating to the terms of a home improvement contract;
- (2) Use deception, false pretense or false promises to induce a home owner to enter into a home improvement contract;
- (3) Require payment for home improvement at an unreasonable price;
- (4) Damage the property of a person with the intent of causing the owner to enter into a contract;
- (5) Hold himself or herself out as a governmental agent with the intent of causing the person to enter into a home improvement contract;
- (6) Abandon or fail to perform a contract;
- (7) Engage in fraud in the execution of a any contract, mortgage promissory note related to a home improvement transaction;
- (8) Prepare or accept any mortgage, promissory note or other evidence of indebtedness knowing that it recites a greater monetary obligation than the agreed consideration;
- (9) Willfully disregard building, health or other safety codes; and
- (10) Demand any payments prior to signing a home improvement contract.

RIGHT TO CANCEL - Under this act, an owner has the right to cancel a home improvement contract until midnight of the third business day after the day on which the owner signs such contract. An owner cannot cancel a home improvement contract if the owner requests the contractor to begin work without delay because of an emergency and the contractor substantially begins performance on the contract before the owner gives notice of cancellation.

CONTRACT REQUIREMENTS - This act outlines the criteria of what a home improvement contract must contain. At the time of signing a home improvement contract, the owner must be provided a legible copy of all documents signed. Contracts which fail to comply with the requirements shall not be invalid solely because of noncompliance.

STEPHEN WITTE

022403 S First Read

S287

EFFECTIVE : August 28, 2003

SB 0562

SENATE SPONSOR Griesheimer

1829L.01I

SB 562 - This act authorizes the Governor to convey state property located at Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

RICHARD MOORE

022403 S First Read

S287

EFFECTIVE : August 28, 2003

SB 0563

SENATE SPONSOR Shields

1866S.01I

SB 563 - This act increases the relevant age of a victim in sexual offense crimes from fourteen to sixteen in the following crimes: first degree statutory rape; first degree statutory sodomy; first degree child molestation; sexual abuse as a Class B felony; and sexual misconduct involving a child. This act also increases the age of a victim from twelve to fourteen in first degree statutory rape and sodomy cases when a minimum ten year sentence is imposed.

This act also increases the age of a victim from fourteen to

sixteen when allowing a prosecutor to show evidence of similar offenses by the defendant if the offenses were against victims under the age of 16.

This act is similar to HB 408 (2003).
SARAH MORROW

022403 S First Read

S287

EFFECTIVE : August 28, 2003

SB 0564

SENATE SPONSOR Gross

0423S.03I

SB 564 - This act re-establishes the Missouri-St. Louis Metropolitan Airport Authority. The new airport authority would assume the governance of Lambert-St. Louis International Airport. Nothing in the bill will change ownership or financial accountability of the airport. The financial and accounting functions will remain with the City of St. Louis and any profit from the operation of the airport will also flow to the City.

The Governor will appoint the members of the authority upon recommendations from the local chief executive. Members will require the advice and consent of the Senate. Members will be as follows: ten from the City of St. Louis, five from St. Louis County, two from St. Charles County, one from Jefferson County and one additional member may be chosen by the chair from another state. The members of the authority shall annually elect their chair on a biennial basis. Members shall serve staggered terms of four years. The act also removes the restriction against members of the authority being employed in the aeronautics industry.

This act is similar to SCS/SB 1046 (2002).

This act has an effective date.
CINDY KADLEC

022403 S First Read

S297

EFFECTIVE : January 1, 2006

SB 0565

SENATE SPONSOR Goode

1246S.04I

SB 565 - This act requires the department of revenue

(hereinafter, "DOR") to submit annual report to the legislature summarizing economic development expenditures. The act requires that such report will include:

1. Uncollected revenue from every tax credit, abatement, exemption and reduction;
2. The name of any taxpayer who claimed such tax break over \$5000;
3. All state appropriated expenditures for economic development, including departmental budgets.

The act requires an annual report to the DOR and the department of economic development ("DED") from each property taxing entity in the state that has property that has received any kind of property tax abatement or reduction. The report will detail the property at issue and the amount of the tax break.

The act requires municipalities that collect sales and other economic activity taxes to submit an annual report to the DOR & DED that details the amount of money deposited in a special allocation fund for the purposes of tax increment financing.

All of the above reports collected by the DOR & DED will be published annually. Failure to submit a report will result in withholding of any future development subsidy to the delinquent political subdivision.

When requesting a development study a granting body will complete an application for the subsidy which will include certain basic information plus the number of individuals employed by the applicant at the project site and at the applicant's parent corporation's site, the subsidies being applied for and their respective values, the number of new jobs to be created, a list of community economic benefits to result from the project, a list of development subsidies already received and any public investments already made or to be made, a statement of whether the development will reduce or reassign employment as a result of any restructuring of the parent company, and a certification by the chief officer of the applicant as to the accuracy of the application. If the granting body approves the application it will submit the application to the DOR & DED.

Thereafter, the granting body will submit a progress report with the DED annually. The report will contain basic information plus follow up information to compare the predictions from the above application with the actual results from being provided the development subsidy. The details of this report are enumerated in the act.

Granting bodies and the recipient corporations shall file annual progress reports for the duration of the subsidy, but at least for five years. On the two year anniversary of the project the granting body shall file a report wherein it shall indicate whether the corporate parent has maintained ninety percent of its

employment in the state. The corporation will be required to provide all such information, and failure to do so will result in a fine of \$500 per day after the deadline for the report.

A granting body shall not award a development subsidy if the cost per job is greater than \$35,000. Certain minimum wage requirements are established in the act, with lower requirements for small businesses. The act requires that the recipient corporation fulfill its job creation and wage requirements for the project site within two years of the subsidy and maintain such goal for the duration of the subsidy, but at least for five years. The corporate parent must maintain at least ninety percent of its employment in the state as long as the development subsidy is in effect, but for at least five years. Failure to meet these requirements will cause the granting body to recapture a portion of the development subsidy. Failure to meet the above employment requirements for three consecutive years will result in loss of the subsidy. After losing the subsidy, the recipient corporation will refund all remaining value of the subsidy to the granting body.

Enforcement of the provisions of this act will be available to any income taxpayer or organization representing taxpayers in the state. Attorney's fees are granted to such prevailing plaintiff.

JEFF CRAVER

022403 S First Read

S297

SB 0566

SENATE SPONSOR Cauthorn

1873S.02I

SB 566 - This act removes the term "elk" from the definition of livestock and adds the term "cervidae".

SARAH MORROW

022403 S First Read

S297

EFFECTIVE : August 28, 2003

SB 0567

SENATE SPONSOR Steelman

1451S.02I

SB 567 - This act simplifies the operations for formation and operation of sewer districts. The act provides the procedural requirements for the new formation of a reorganized

common sewer district and the conversion of a current sewer district to a reorganized sewer district.

CREATION OF A NEW REORGANIZED COMMON SEWER DISTRICT - In order to create a new reorganized common sewer district, a petition is filed with the circuit court. Upon the filing of the petition the clerk of the court shall give notice of the filing in a newspaper of general circulation in all counties which contain property within the boundaries of the proposed reorganized sewer district. Specific notice and procedural requirements are specified.

Exceptions to the formation of the district may be filed not less than five days prior to the hearing on the petition by any voter or property owner in the proposed district. If the court finds that the formation of the district is not in the public interest, the matter will be dismissed at the costs of the petitioners. If the court finds in favor of the formation of the district the court shall enter a decree of incorporation and shall appoint five voters from the district as the first board of trustees with staggered terms of one to five years.

The decree in incorporation shall not be final until approved by 2/3 of the voters in the district. Costs incurred in forming the district shall be taxed to the district. If the petitioners seeking formation specify that the organization is without the authority to issue general obligation bonds, the order shall set forth those conditions and the decree of incorporation must only be approved by a simple majority of voters in the district.

The method for expansion of the boundaries of the reorganized district are specified. Property owners with land contiguous or reasonably close to a reorganized district may petition the Board of Trustees to become part of the reorganized district.

The Board of Trustees may petition the Circuit Court for an amended decree of incorporation to allow the district to engage in the construction, maintenance and operation of water supply and distribution facilities which serve ten or more separate properties in the district, if the properties meet certain criteria.

ESTABLISHMENT OF A REORGANIZED COMMON SEWER DISTRICT FROM AN EXISTING COMMON SEWER DISTRICT - In order to establish an existing sewer district into a reorganized common sewer district a petition may be filed with the circuit court after the governing body of the district has made a determination that the reorganization is in the best interest of the district. The petition shall specify whether the board of trustees will be appointed by the governing body of the county or elected by the voters of the district. Procedural and notice requirements are

provided.

Exceptions to the formation of the district may be filed not less than five days prior to the hearing on the petition by any voter or property owner in the proposed district. If the court finds in favor of the formation of the district the court shall enter a decree of incorporation.

The Bonded indebtedness and security interests of creditors of any common sewer district which converts to a reorganized common sewer district shall not be affected by the conversion. Reorganized common sewer districts shall have exclusive jurisdiction and authority to provide wastewater collection and treatment services within the boundaries of the district. A reorganized common sewer district shall be considered a political subdivision of the state. All courts of the state are required to take judicial notice of the existence of the reorganized common sewer district.

The Board of Trustees for the reorganized common sewer district shall consist of five members who must be a voter and have resided within the boundaries of the district for at least one year. Trustees must be at least 25 and not be delinquent in payment of taxes at the time of election or appointment. The presiding officer shall be an additional member in the event that the district extends into more than one county. Trustees shall not be compensated. The Board of Trustees may hire necessary staff. All Trustees after the initial Trustees appointed by the court will be elected.

PROVISIONS RELATING TO REORGANIZED COMMON SEWER DISTRICTS - The Board of Trustees shall have no power to levy or collect taxes or issue general obligation bonds unless authorized by the voters. The total amount of general obligation bonds shall not exceed 10% of the assessed valuation of all taxable tangible property located in the district. Specifications for issuance of the bonds are provided. Powers and duties of the Board of Trustees are specified.

Any person who knowingly makes false statements in any filing with the district or falsifies or tampers with a monitoring device shall be fined \$1,000 per violation per day. In the event of a second violation the fine shall be \$3,000 per violation per day. Third and subsequent violations shall be punishable by a Class D felony.

The Board of Trustees may acquire property by purchase, gift or condemnation or may lease or rent any real or personal property. In order to condemn property the procedures provided in Chapter 523, RSMo, must be followed.

All projects which exceed \$25,000 in expense must be awarded to the lowest bidder. The act provides how costs of acquiring,

constructing, improving, or extending a sewerage system shall be met.

A reorganized common sewer district may issue general or special revenue bonds if the decree of incorporation allows the sewer district to issue bonds. Specific requirements of the bonds are specified. Certain duties for a reorganized common sewer district which issues bonds are specified.

The Board of Trustees may apply for and accept grants, funds materials or labor from the state and federal government in the construction of a sewerage system.

SANITARY SEWER IMPROVEMENT AREA ACT - The act also allows for the creation of sanitary sewer improvement areas and allows the Board of Trustees to incur indebtedness and issue temporary notes and general or special revenue bonds to pay for such. The district will impose assessment and may impose user fees on the property benefitted by the improvement project and the act provides the method for the assessment or imposition of user fees. The procedure for the establishment of a sanitary sewer improvement area is specified.

CINDY KADLEC

022403 S First Read

S297

EFFECTIVE : August 28, 2003

SB 0568

SENATE SPONSOR Yeckel

1453S.02I

SB 568 - This act requires children to be at least eight years of age, four feet four inches in height, and 60 pounds in weight to ride as a passenger on a motorcycle or motortricycle. Any person convicted of transporting a child not meeting these requirements is guilty of a Class A misdemeanor.

STEPHEN WITTE

022403 S First Read

S297

EFFECTIVE : August 28, 2003

SB 0569

SENATE SPONSOR Yeckel

1857S.01I

SB 569 - This act modifies provisions of election law, many of which assist in compliance with the federal Help America Vote

Act of 2002 ("HAVA").

The Secretary of State is responsible for overseeing state compliance with HAVA, including the establishment of state-based administrative complaint procedures to remedy grievances concerning a violation of Title III of HAVA, and providing voter registration information to absent uniformed services voters regarding elections for federal office (Section 28.035).

The Governor shall appoint election commissioners who are not of the same political party as the Governor from a list submitted by the state committee of that party. The Governor may appoint additional nonvoting representatives to the Boards of Election Commissioners (Section 115.027).

The act provides that federal funds may be used for loan programs to local election authorities and allows, but does not require, local election authorities to match the federal funds (Sections 115.074, 115.076, 115.098, and 115.801). The "Election Administration Improvements Fund" is created for the purpose of improving the administration of elections in the state. A revolving loan fund is established for improving the administration of elections through loans (Section 115.078).

A statewide pool for election judges is created and requires election authorities, before appointing judges from another jurisdiction, to obtain written consent from the election authority of the jurisdiction where the prospective judges are registered to vote. Employees of the state and boards are allowed to serve as election judges (Section 115.085).

Procedures for the naming of challengers and watchers are created. Challengers and watchers must be registered voters from the jurisdiction of the election authority for which the challenger or watcher is designated (Sections 115.105 and 115.107).

Courts shall not have the authority to order a candidate or issue to be placed on the ballot less than six weeks before the date of election, except as otherwise authorized by law (Section 115.125).

As required by HAVA, certain information is added to the voter registration form in Section 115.155. An applicant that fails to answer a question on U.S. citizenship shall be notified by the election authority and given the opportunity to complete the form. Election authorities are required to forward registration and other data to the Secretary of State in order to comply with HAVA (Section 115.157).

In order to comply with HAVA, the act creates the Missouri Voter Registration System, which is a computerized statewide voter registration list. The system shall be implemented by

January 1, 2004, unless a delay is approved until January 1, 2006. The system replaces the "Centralized Voter Registration System". The Secretary of State and local election authorities shall cooperate in updating the system on a regular basis and may use the system for the collection and dissemination of election results. Information collected for the system shall not be used for commercial purposes, as defined in the act (Section 115.158).

The act modifies provisions relating to the identification requirements for persons registering by mail as mandated by HAVA (Section 115.159). Provided that certain requirements are met, an election authority may send a voter identification card to a post office box (Section 115.163). A definition for "overseas voter" is created with regard to absentee voting and procedures are created for absentee voting by uniformed and overseas voters (Sections 115.275 and 115.279).

Election authorities may deliver absentee ballots not earlier than 10 weeks before an election. Current law allows the ballots to be delivered not earlier than six weeks (Section 115.284). The act modifies provisions relating to certain confined persons who qualify for delivery of their absentee ballots by a team appointed by the election authority. The act repeals the ability of certain relatives to deliver the absentee ballot. The act changes the color of a stamp on the ballot envelope (Section 115.287). Special write-in absentee ballots may be requested for special or primary federal elections in addition to general elections (Section 115.292). The act modifies the information that must be included on a sample ballot posted on election day, as required by HAVA (Section 115.417).

The act provides that a provisional ballot cast at the wrong polling place will not be counted as authorized by HAVA, but that voters should be directed to the correct polling place. Pursuant to HAVA, the Secretary of State shall ensure that a toll-free number or internet website for provisional voters is established. An individual who votes after a court order extends the polling hours shall cast a provisional ballot which shall be separated from other provisional ballots, in accordance with HAVA (Section 115.430).

The act corrects a reference in Section 115.761 to indicate that the presidential primary is held in February. The Secretary of State is authorized to prepare fair ballot language statements on statewide measures within 20 days of receiving a statewide ballot measure (Section 116.025).

This act is identical to HB 511 (2003).
JIM ERTLE

SB 0570

SENATE SPONSOR Loudon

1877S.01I

SB 570 - This act establishes new registration procedures for street rods and custom vehicles.

The act defines "street rod" and "custom vehicle." These vehicles will have a one-time registration fee of \$25. Owners of these types of vehicles must certify at the time of registration that the vehicles will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for general daily transportation. These vehicles are exempt from vehicle inspections and emission tests.

License plates for these categories of vehicles shall bear the words "STREET ROD" or "CUSTOM VEHICLE".

A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors. A "blue dot tail light" is a red lamp installed in the rear of the motor vehicle which contains a blue or purple insert that is not more than one inch in diameter.

This act is identical to HB 283(2003).
STEPHEN WITTE

022403 S First Read

S297

EFFECTIVE : August 28, 2003

SB 0571

SENATE SPONSOR Loudon

1741S.01I

SB 571 - This act removes Christian Science practitioners as mandated reporters for child abuse and neglect in Chapter 210, RSMo, on child protection.

Christian Science practitioners are included within the definition of "minister" for mandated reporters of child abuse and neglect in Chapter 352, RSMo, under religious and charitable associations.

This act is identical to HB 445 (2003).
LORIE TOWE

022403 S First Read

S297

EFFECTIVE : August 28, 2003

****SB 0572****

SENATE SPONSOR Dougherty

1851S.01I

SB 572 - This act allows eligible foster children to receive a waiver of tuition and fees at state-funded colleges or universities. Eligible students shall be Missouri residents, shall have graduated from high school or received a GED within the last three years, shall have been accepted for admission at a state-funded college or university, shall have applied for other student financial assistance, shall have been in foster care under the Department of Social Services on or after one of the dates specified in the act, shall complete community service or public internship as required under the act and shall apply to the Coordinating Board for Higher Education for the waiver.

The waiver shall be annually renewable for up to a total of four years if the student remains in good academic standing. The waiver shall only be used after other sources of aid are used. No student enrolled when the act becomes effective shall be eligible for a waiver under this act. The program shall begin with incoming freshmen in the 2004 fall semester.

This act is similar to SB 429 (2001).
DONALD THALHUBER

022403 S First Read

S297

EFFECTIVE : August 28, 2003

****SB 0573****

SENATE SPONSOR Dougherty

1645S.02I

SB 573 - This act modifies various provisions of the Missouri Family Trust. New language allows the Missouri Family Trust to be used by residents of adjacent states.

Upon the death of a life beneficiary, the state of Missouri will receive from the beneficiary's account the amount of total medical assistance paid on behalf of the life beneficiary. If there is any amount remaining in the account, then an amount equal to 75% of the principal balance will be distributed to the life beneficiary's heirs. If there are no heirs, the remaining balance will be distributed to the charitable trust.

LORIE TOWE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0574

SENATE SPONSOR Days

1855S.01I

SB 574 - This act directs the Department of Elementary and Secondary Education to award, subject to appropriation, salary supplement grants to priority schools employing high quality teachers. The grants shall be awarded to eligible teachers as salary supplement grants of three thousand dollars. In distributing the grants, preference shall be given to unaccredited and provisionally accredited school districts and school buildings identified as academically deficient. Any salary supplement shall be in addition to the base salary to which the teacher would otherwise be entitled.

Further, the act instructs the state Board of Education to establish by administrative rule the qualifications for high quality teachers.

DONALD THALHUBER

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0575

SENATE SPONSOR Kennedy

1827S.01I

SB 575 - This act requires that police force members of the City of St. Louis annually receive compensation for unused vacation time.

RICHARD MOORE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0576

SENATE SPONSOR Vogel

1526S.02I

SB 576 - This act authorizes the Governor to convey state property in Cole County to the Missouri State Penitentiary Redevelopment Commission. The Commissioner of Administration shall be responsible for setting the terms and conditions of the sale of the property.

RICHARD MOORE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0577

SENATE SPONSOR Shields

1885S.01I

SB 577 - This act authorizes the Governor to convey an easement in the form of a right-of-way in the City of St. Joseph.
RICHARD MOORE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0578

SENATE SPONSOR Shields

1884S.01I

SB 578 - This act authorizes the Governor to convey a tract of land owned by the State in the County of Platte, commonly known as Trimble Microwave Relay Site.
RICHARD MOORE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0579

SENATE SPONSOR Wheeler

0971S.03I

SB 579 - This act subjects a nonprofit health entity to additional requirements prior to the nonprofit health entity entering into any agreement or transaction to convey its assets to a for-profit corporation or entity.

APPLICATION - Any entity or corporation making such an acquisition in a nonprofit hospital must first apply to the Attorney General (AG) and the Department of Health (in cases involving nonprofit hospitals) or the attorney general and the department of insurance (in cases involving nonprofit HMOs or health services corporations). The application shall include a copy of the acquisition agreement, a financial and economic analysis and any other relevant documents requested by the AG. (Section 355.903)

The Department of Health and Senior Services or the Department of Insurance must publish notice of the application within 10 days after receiving the application in a local newspaper and shall notify individuals who have requested such notice. If the AG decides to review the application, the appropriate department will review the application and forward its recommendation to the AG as to whether the application should be approved.

ATTORNEY GENERAL - The AG has 15 days to decide whether to review the application and if the AG decides to review the application, he or she must approve or disapprove the application within 75 days after deciding to review. The AG shall hold at least one public hearing. The AG shall not approve the acquisition unless the AG finds that the acquisition is in the public interest. The AG must consider a variety of factors outlined in the act to determine whether it is in the public interest. The AG may conditionally approve an application.

APPEAL OF ATTORNEY GENERAL'S DECISION - A person with a legal interest in a nonprofit health entity may obtain judicial review of the AG's decision. Venue for the appeal shall lie in Jefferson City. The AG's decision shall be approved unless there was an abuse of discretion.

CONFLICTS OF INTEREST - The act limits conflicts of interest between the buyer and the nonprofit health entity and between the buyer and any nonprofit charitable institution which may receive assets.

ENFORCEMENT - The Department of Health and Senior Services or the Department of Insurance, in the appropriate case, may suspend or revoke a nonprofit health license if this act is violated (e.g. failure to get approval under this act or failure to follow conflict of interest rules).

STEPHEN WITTE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0580

SENATE SPONSOR Wheeler

1774S.02I

SB 580 - This act establishes the lifetime home grant program. Under this act, an additional fee of \$1 will be charged on real estate instruments. These additional fees will be deposited in a newly created fund known as the Lifetime Home Fund. This fund shall be administered by the Missouri Housing Development Commission. Beginning January 1, 2004, individuals

who build a universally designed lifetime home may apply for a payment from the fund in the amount of \$5,000.

STEPHEN WITTE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0581

SENATE SPONSOR Clemens

1682S.01I

SB 581 - This act provides language regarding the color scheme of license plates; reinstates languages which was inadvertently repealed in a prior session that allowed applicants registering property-carrying commercial motor vehicles to request an additional plate at a charge not to exceed \$15; requires plate tabs to be displayed in the designated area rather than the middle of the plate; and provides standardized language which prohibits apportioned motor vehicles and commercial motor vehicles in excess of 18,000 pounds from obtaining special license plates.

STEPHEN WITTE

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0582

SENATE SPONSOR Kennedy

0835S.01I

SB 582 - This act creates a Gang Resistance Education and Training program to be used in schools. The purpose of this program is to help children use non-violent means to resolve conflict and understand how gangs impact communities and individuals.

This program is to be administered by the Department of Public Safety and local law enforcement, in conjunction with the Department of Elementary and Secondary Education.

The funding for this program comes from a ten dollar surcharge assessed as costs in all criminal cases. There is a fund set up in the state treasury known as the "GREAT Fund" in which the money from the court costs is deposited and transferred to the Department of Public Safety.

DONALD THALHUBER

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0583

SENATE SPONSOR Nodler

1772S.01I

SB 583 - This act repeals the Small Business Guaranty Fee Tax Credit which was repealed by SB 894 (2000). That bill was held unconstitutional for clear title problems and thrown-out by the Supreme Court. This act would repeal the tax credit once again.

JEFF CRAVER

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0584

SENATE SPONSOR Dolan

1422S.03I

SB 584 - This act creates the crime of motor vehicle theft if a person appropriates a motor vehicle of another with the purpose to deprive him or her of it, without consent or by means of deceit or coercion. Motor vehicle theft is a Class C felony.

This act creates the crime of carjacking when a person obtains unauthorized possession or control of a motor vehicle from another individual in actual possession by intimidation, force or threat of force. Carjacking is a Class B felony.

This act creates the crime of unauthorized use of a vehicle if a person knowingly takes, operates, exercises control over, rides in, or otherwise uses a vehicle without the consent of the owner or has custody of the vehicle pursuant to an agreement with the owner of the vehicle and uses the vehicle in gross deviation from the agreed purpose. Violation of this provision is a Class A misdemeanor.

This act also creates the crime of tampering with a motor vehicle if a person knows that he or she does not have the consent of the owner and takes, operated, or otherwise uses a motor vehicle. The crime of tampering is a Class B misdemeanor. A second violation of this provision is a Class A misdemeanor. Third and subsequent violations are a Class D felony.

SARAH MORROW

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0585

SENATE SPONSOR Dolan

1878S.01I

SB 585 - Current law allows school districts to use an estimate of the number of eligible pupils for the ensuing year, the number of eligible pupils for the immediately preceding year or the number of eligible pupils for the second preceding school year, whichever is greater, in computing the amount of state aid a school district is entitled to receive under the foundation formula.

This act adds a condition to the aforementioned provision which states that, should a school district use the number of eligible pupils for the immediately preceding school year or the number of eligible pupils for the second preceding school year, the school district must remove from that count any eligible pupils generated by summer school in that school year and must substitute the number of eligible pupils estimated to be generated by summer school in the ensuing year.

Further, the act asserts that in order for a school district to include eligible pupil numbers generated by summer school in its eligible pupil counts, the school district shall demonstrate quantifiable pupil assessment gains, as provided in this act and summarized below.

Upon entering a summer school program, every pupil must undergo a student assessment pretest. Upon finishing a summer school program, every pupil must undergo the same student assessment posttest. The difference in score between the pretest and posttest must show an aggregate program improvement, averaging every individual pupil's percentage improvement, of at least ten percent. If a summer school program fails to meet the above improvement standards, the school district which sponsors the program must propose an improvement plan to the state board of education, outlining, in specific terms, how the program intends to meet said improvement standards by the end of the second summer term after failing to meet the improvement standards. Achievement measures may include national assessments, state assessments, district tests, or criterion referenced tests, so long as the measures are quantifiable and the approach systematic. Districts must report the calculations of improvements in their summer school program to the president pro tempore of the senate and the speaker of the house of representatives. Pupils who speak English as a second language are excluded from these achievement standards, and thus from improvement calculations, until they have attended three school

terms in the summer school district.
DONALD THALHUBER

022503 S First Read

EFFECTIVE : August 28, 2003

SB 0586

SENATE SPONSOR Stoll

1906S.01I

SB 586 - This act states that the State Board of Education shall, in consultation with the Boards of Education of school districts, educational personnel, and other interested parties, adopt a policy by December 1, 2003, which encourages effective involvement by parents and families in support of their children and the education of their children.

The act sets out the following elements and goals for the development of the policy adopted by the State Board:

- Promotion of regular, two-way, meaningful communication between home and school;
- Promotion and support of responsible parenting;
- Recognition of the fact that parents and families play an integral role in assisting their children to learn;
- Promotion of a safe and open atmosphere for parents and families to visit the school that their children attend and active solicitation of parental and familial support and assistance for school programs;
- Inclusion of parents as full partners in decisions affecting their children and families; and
- Availability of community resources to strengthen and promote school programs, family practices and the achievement of pupils.

Further, the act states that the Board of Education of each school district shall, in consultation with the state board, educational personnel, and other interested parties, adopt policies no later than March 1, 2004 which encourage effective involvement by parents and families in support of their children and the education of their children. Such policies must be consistent with the policy adopted by the State Board.
DONALD THALHUBER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0587

SENATE SPONSOR Stoll

1889S.01I

SB 587 - This act changes the cost-of-living assessment (COLA) for certain special consultants and retirees from 80% to 100% of the consumer price index for all adjustments after September 1, 2003, but in no more than 5% of the annuity amount payable immediately before the payment of the COLA.

This act is identical to HB 1529 (2002).
CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0588

SENATE SPONSOR Stoll

1890S.01I

SB 588 - This act allows members of MOSERS who retired prior to July 1, 1990, to receive an additional \$5 per month times the number of years of creditable service.

This act is identical to HB 1571 (2002).
CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0589

SENATE SPONSOR Shields

1896S.01I

SB 589 - This act modifies provisions relating to the licensing of chiropractors.

Chiropractors licensed in another state do not need to be licensed in this state if such chiropractor consults on a patient with a Missouri licensed chiropractor and the Missouri chiropractor retains ultimate control, or the out-of-state chiropractor renders a chiropractic opinion or provides testimony in any civil or criminal action pending in this state.

The act modifies reciprocal licensing of chiropractors to remove the requirement that the licensing authority of another

state must grant reciprocal licensing to Missouri licensees. The board may require additional examination of reciprocal licensing applicants if the requirements for licensure in the other state are not equivalent at the time application is made for licensure in this state.

An inactive license status is created. The Board shall place qualified applicants on inactive status upon application. Inactive licensees may practice only on themselves and their families. Inactive licensees do not have to comply with continuing education requirements. Licensees wishing to reactivate their license within five years must meet all established requirements, excluding the licensing examination.

A patient records statute is created. The act defines what constitutes a complete patient record. Patient records must remain under the control of the chiropractor for a minimum of seven years from the date of last professional service. Any corrections or additions made after 48 hours must be clearly marked. Violation of this statute shall only be a secondary cause for discipline of the chiropractor's license. The Board shall not obtain a medical record without the issuance of a subpoena.

JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0590

SENATE SPONSOR Shields

1564S.01I

SB 590 - This act enables the governing body of any county or the city of St. Louis to submit a ballot to the voters to increase the existing tax for the Senior Citizens' Services Fund from five cents to ten cents per one hundred dollars assessed valuation.

JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0591

SENATE SPONSOR Shields

1832S.01I

SB 591 - This act provides that the circuit clerk in any

county, except the city of St. Louis, operating under the nonpartisan court plan shall be appointed by a majority of the circuit judges and associate circuit judges of the circuit court. The clerk shall be removable for cause by a majority of such judges. This act will become effective on January 1, 2004. Elected circuit clerks in office at that time shall continue to hold their office until the expiration of their elected terms.
JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0592

SENATE SPONSOR Foster

1932L.01I

SB 592 - This act establishes that in certain counties moneys collected pursuant to Section 488.426, RSMo, may be expended for courtroom renovation and technology.
RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0593

SENATE SPONSOR Foster

1956S.01I

SB 593 - This act requires the Department to obtain the name and address of a person making a report prior to obtaining information regarding the alleged child abuse and neglect. The Department must also notify the person that the penalty for making a false report is a Class A misdemeanor.
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0594

SENATE SPONSOR Bray

1891S.03I

SB 594 - This act allows operators of low-speed vehicles to use public highways under certain conditions. A low-speed

vehicle is a four-wheeled vehicle whose top speed is greater than 20 mph but less than 25 mph and is manufactured in compliance with the National Highway Traffic Safety Administration standards. A low-speed vehicle shall not be operated on a street or highway with a posted speed limit greater than 35 mph. A low-speed vehicle shall be exempt from inspection and emission testing, but must comply with the federal safety standards. Every operator of a low-speed vehicle shall maintain financial responsibility as required under Chapter 303, RSMo. Every operator of a low-speed vehicle must have a driver's license. City and counties may promulgate ordinances which are more stringent than this act.

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0595

SENATE SPONSOR Steelman

1939S.01I

SB 595 - This act establishes the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program". The Department of Health and Senior Services, in conjunction with the Department of Insurance and the University of Missouri-Kansas City hospitals and clinics, shall implement the Pilot Program to improve patient information regarding elective surgical procedures and the risks and complications involved. The Pilot Program shall develop and incorporate patient education programs into the preoperative consultation and informed consent process. Implementation of the Pilot Program shall occur no later than six months after funding has been made available and shall have a duration of three years.

Prior to elective surgery, the Pilot Program shall utilize an educational system that:

- Visually explains the entire surgical procedure in simple terms;
- Fully discloses to the patient in simple terms the frequency of all known complications;
- Allows the patient access to educational materials outside the surgeon's office;
- Fully documents the patient education process; and
- Collects outcome data after surgery.

The Department of Health and Senior Services shall monitor and report to the Director of the Department of Insurance and the General Assembly on the effectiveness of the Pilot Program. The report shall include the Pilot Program's effect on the reduction of medical malpractice claims, patient satisfaction, feedback

from physicians, the total number of surgical procedures performed, a comparison of Medicaid dollars; and recommendations for improving and implementing the educational system.

LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0596

SENATE SPONSOR Childers

1643S.06I

SB 596 - This act gives a tax credit to registered sole proprietorships, certain registered corporations, and certain registered insurance companies that have either started a new business or expanded an existing business that employs 80 people or less a year. The credit would be available for the first three years following the expansion or establishment of the business and would be for an amount equal to ten percent of the new revenue produced by the business, not to exceed five thousand, against the tax imposed on it pursuant to Chapter 143 or 148, RSMo. The credit may be carried forward to subsequent tax years but not beyond the third tax year following the expansion of establishment of the business. To be eligible for the credit the business must register with the business with the Secretary of State and file a letter or intent with the Department of Revenue within ninety days of commencement of operations at the new or expanded business. The maximum number of tax credits certified in any fiscal year shall not exceed three million dollars, if properly acquired tax credits exceed three million each eligible business shall receive a pro rata share of the three million. The Director of Economic Development shall promulgate rules in accordance with this act.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0597

SENATE SPONSOR Childers

1775S.03I

SB 597 - This act states that when property is added to a fire protection district, such property may be excluded from an ambulance district under Chapter 190, RSMo. The act establishes procedural rules concerning the petition to add or exclude

property from an ambulance district. The act sets forth a basis for drafting a petition to add or exclude property of fire and ambulance districts.

The act allows money received by way of gift, grant or appropriation by the General Assembly be included in the Missouri Fire Protection Trust Fund.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2004

SB 0598

SENATE SPONSOR Childers

1923S.02I

SB 598 - This act establishes the "Corporal Bobbie J. Harper Memorial Highway" on U.S. Highway 71 within McDonald County.

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0599

SENATE SPONSOR Childers

1734S.01I

SB 599 - This act makes various changes to incentive programs managed by the Department of Economic Development ("DED"). Those changes are:

(1) Regarding chapter 100 industrial development revenue bonds, the impact on state sales tax revenue is added to the existing reporting requirements;

(2) Regarding Business Use Incentives for Large Scale Development "BUILD", the act:

1. Removes the exclusion of health and professional firms;

2. Reduces the number of new jobs and size of investment to qualify;

3. Removes cumulative bond cap language;

4. Adds an annual tax credit cap of \$11 million;

(3) Regarding the New/Expanding Business Facility Tax Credit, the act sunsets the credit; projects commencing operations on or before August 28, 2003, will continue to receive incentives; no new projects will be allowed;

(4) Concerning enterprise zones, the act:

1. Adds authority for businesses to participate that

are "targeted industries";

2. Grandfathers those commencing operations on or before August 28, 2003;

3. Adds \$50 million annual tax credit cap for businesses commencing operations on or after August 29, 2003;

4. Requires procedures adopted by the DED to stay within cap to be presented to and adopted by Joint Committee on Economic Development Policy and Planning;

(5) The act removes DED's participation in the Charcoal Producer's Tax Credit makes it completely a department of natural resources program;

(6) Regarding the Low Income Housing Tax Credit, the act:

1. Requires that a tax credit certificate like that of other tax credit programs be issued;

2. More clearly ties the state credit to the federal credit;

3. Allows the owners of the property to allocate the credit differently than pro-rata;

4. Modifies transferability of the credit;

5. Eliminates recapture of the credit at the state level;

(7) The act repeals the Transportation Development Tax Credit, the Film Production Tax Credit, the Individual Training Account "Skills Development" Tax Credit; the Mature Worker Tax Credit and the SBA/USDA Loan Guarantee Fee Tax Credit;

(8) Regarding the Historic Preservation Tax Credit, the act:

1. Requires a pre-application to be eligible for credits;

2. Requires DED to provide a pre-approval for eligible projects;

3. Requires projects to be placed into service within 3 years from pre-approval;

4. Requires taxpayers to apply for credits by end of the tax year after tax year project placed into service;

5. Grants rulemaking authority to carry out these limitations;

(9) Regarding Missouri Technology Corporation ("MTC"), the act

1. Adds protection to business records submitted to MTC so as to make them closed records;

2. Adds a member to the board of directors the Commissioner of Higher Education;

3. Adds various powers to the MTC, including suing and being sued, purchasing and selling property, charging a fee for applications, and creating accounts outside the state treasury;

(10) Increases the reporting requirements concerning DED programs;

(11) Regarding the Research Tax Credit, the act:

1. Limits the credit to apply only to "targeted industries";

2. Implements a scale of the percentage of expenses can be count toward qualifying for the credit depending on years of existence of the taxpayer;

3. Removes restrictions on transferability;
4. Removes the "aggregate" counting of tax credits for the cap;

(12) The act repeals various provisions from the Affordable Housing Assistance Program, the Neighborhood Assistance Program, and the Youth Opportunities Program.

JEFF CRAVER

022603 S First Read

EFFECTIVE : Varies

SB 0600

SENATE SPONSOR Jacob

1899S.01I

SB 600 - This act adds the definition of "professional ultimate fighting" to state law. The act requires the Division of Professional Registration to supervise, license, establish rules, charge fees, assess taxes and issue permits for contests concerning the sport of professional ultimate fighting. Armature ultimate fighting is exempted from Chapter 317, RSMo. Combative fighting is prohibited. Further, a court of competent jurisdiction may grant an order to enjoining individuals or entities in regard to ultimate fighting under this act.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0601

SENATE SPONSOR Griesheimer

1903L.01I

SB 601 - This act provides uniformed conservation agents and retirees with the additional 33.3 percent benefit, identical to uniformed members of the Highway Patrol and Water Patrol, if they remain in the current plan at date of retirement. Members opting into the new Year 2000 Plan or who become members after July 1, 2000, are not eligible for the additional 33.3 percent benefit.

This act is identical to HB 1617 (2002).
CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0602

SENATE SPONSOR Cauthorn

1842S.01I

SB 602 - This act removes the tax on natural gas used in the production or processing of ethanol.

SARAH MORROW

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0603

SENATE SPONSOR Kennedy

1927S.01I

SB 603 - This act provides for the regulation and licensing of professional addiction counselors.

New definitions are provided relating to addiction counseling (Section 337.800). Any person is prohibited from using certain titles related to addiction counseling without a license. These provisions do not apply to certain practitioners who have specialty training in addiction counseling. As of August 28, 2005, every person practicing as an addiction counselor must comply with all educational, training and examination requirements and be licensed under these sections. Licensed addiction counselors must have professional liability insurance coverage (Section 337.803).

This act should not be construed to require persons to employ licensed addiction counselors if not otherwise required to do so by law. This act does, however, require addiction counselors in private practice to be licensed (Section 337.806).

Applicants for licensure must follow procedures outlined by the Board of Licensed Addiction Counselors for initial licensure and renewal (Section 337.809).

Applicants must provide evidence to the Board that all licensure, education, and training requirements have been met and must successfully pass a licensure examination adopted by the Board. Any person licensed as an addiction counselor in another state that has substantially the same requirements shall receive a license by reciprocity. Temporary licenses may also be issued for up to 18 months. Limited licenses under supervision may be issued to those who do not meet the licensure requirements. All applicants must authorize the Board to complete criminal background checks (Section 337.812).

The Board is authorized to promulgate rules regarding application, fees, examination, levels of licensure, grievances and appeals, reciprocity, and ethical standards (Section 337.815). The Board may refuse to issue or renew a license and the allowable causes for the Board to file a complaint are outlined in the section. Administrative hearing procedures will apply. Persons reporting violations in good faith will not be subject to liability. Upon a finding by the administrative hearing commission on one or more of the grounds listed in this section, the Board may censure, place on probation for up to five years or revoke a person's license (Section 337.818).

Any person violating the requirements of this act will be guilty of a Class B misdemeanor. Upon conviction, all compensation received for services must be refunded. The Division of Professional Registration may sue and the Attorney General may request an injunction against the violator (Section 337.821). Confidentiality requirements, with certain exceptions, of addiction counselors are outlined (Section 337.824).

The State Board of Licensed Addiction Counselors is established to advise the Division of Professional Registration. The Board, comprised of eleven members, will take effect on January 1, 2004. The Board will consist of four members that are public members and seven members that are licensed addiction counselors. The seven addiction counselor members must be eligible for licensure within twelve months of appointment and may not be licensed in any other behavioral health profession. Members may receive up to a \$150 per diem (Section 337.827). The State Board of Licensed Addiction Counselors Fund is also created (Section 337.830).

This act is similar to SB 1226 (2002).
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0604

SENATE SPONSOR Vogel

1928S.01I

SB 604 - This act allows the Salary Commission of Cole County to adjust the salary of the County Treasurer to a sum equal to that of the county Public Administrator. Following such adjustment, subsection 2 of Section 50.343, RSMo, shall govern the actions of the County Salary Commission.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0605

SENATE SPONSOR Vogel

1929S.01I

SB 605 - This act disqualifies persons from jury service who are unable to communicate effectively in English with or without auxiliary aids and services. Currently, a person is disqualified from jury service if the person is unable to read, speak and understand the English language.

This act is identical to HB 500 (2003).
JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0606

SENATE SPONSOR Coleman

1915S.01I

SB 606 - This act grants the Department of Natural Resources the power to convey up to five acres of land as part of a land trade with adjacent land owners to resolve park boundary conflicts, so long as the department receives land of equal or greater fair market value in exchange.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0607

SENATE SPONSOR Loudon

1962S.01I

SB 607 - This act removes the salaries of elected officials from those salaries which are not considered wages when determining the amount a partially unemployed employee is entitled to receive in a given week.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0608

SENATE SPONSOR Dougherty

0065S.05I

SB 608 - This act allows a local health or building official to petition the circuit court for an order to enter the premises and conduct an abatement if the property owner does not abate the property in a certain amount of time. Upon approval of the court to enter the property for abatement purposes, the local health or building official may abate the lead hazard and charge the costs of abating to the property owner. A lien may be placed on the property and a special tax bill may be issued for the collection of court costs and the costs of the abatement.

The governing body of St. Louis may issue fines and penalties for failing to abate the lead hazard.

This act is similar to SB 1261 (2002).
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0609

SENATE SPONSOR Scott

1666S.01I

SB 609 - This act modifies the law relating to protective services for children. The standard of proof for child care proceedings is raised from probable cause to a preponderance of the evidence.

The Division of Family Services must develop protocols that ensure the well-being and safety of abused and neglected children and that provide due process to those individuals accused of child abuse and neglect. The Division must classify reports into three categories:

- (1). Alleged incidents that indicate the need for an emergency preliminary investigation;
- (2). Alleged incidents which warrant a central registry investigation; or
- (3). Alleged incidents for which summary closure is appropriate.

Emergency child protection teams shall be used whenever conducting an emergency preliminary investigation. These teams shall consist of personnel of the local Division office, the juvenile officer, and if necessary, local law enforcement.

Discipline shall not be considered abuse in a licensed child care facility if it is administered in a reasonable manner and in accordance with the facility's written policy on discipline. The Division of Family Services shall not have jurisdiction to investigate these matters.

Interrogations or interviews of children taken into protective custody shall be either videotape or audiotape recorded in its entirety. Failure to comply with the recording requirements shall render the child's statement inadmissible.
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0610

SENATE SPONSOR Yeckel

1917S.01I

SB 610 - This act requires all controlled substances present in the state to have tax stamps affixed. The Director of the Department of Revenue shall issue these stamps. The person purchasing the stamps may do so anonymously. The value of the stamp that must be affixed varies among the type and form of the controlled substance.

Neither the Director of Revenue may reveal any information gathered in the assessment process, nor may that information be used in a criminal proceeding.

Anyone in possession of a controlled substance that does not have a stamp affixed will be subject to an assessment and applicable penalties and statutory interest. Failure to pay an assessment may result in seizure and sale of property by the department of revenue.

Half of all revenue gained from the tax stamps will be deposited in general revenue, with one-half of that amount to be appropriated to fund the foundation formula. The other half of the revenue raised through assessment and delinquent taxes will be sent to the law enforcement agencies that participated in the investigation.

This act is identical to SB 1134 (2002).
JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0611

SENATE SPONSOR Clemens

1934S.01I

SB 611 - This act allows County Agricultural and Mechanical Societies to borrow money and mortgage property.
SARAH MORROW

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0612

SENATE SPONSOR Clemens

1494S.02I

SB 612 - This act requires Springfield to sell its utility services on a nondiscriminatory basis and at the same price to nonresidents as it would sell the same services to residents of Springfield.
CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0613

SENATE SPONSOR Shields

1987S.01I

SB 613 - This act removes the requirement that property subject to a lease, rental transaction or retail installment contract that is held by a pawnbroker can only be released to the claimant upon payment of all moneys owed to the pawnbroker. A pawnbroker shall be free of liability in connection with the recovery of leased or rental property upon return of such property to the claimant.
JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0614

SENATE SPONSOR Shields

1914S.01I

SB 614 - This act establishes that a temporary employee of a temporary help firm shall be deemed to have voluntarily quit employment if the employee does not contact the firm for reassignment prior to filing for benefits, if the employee is aware of this requirement.

RICHARD MOORE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0615

SENATE SPONSOR Bartle

0708S.01I

SB 615 - This act prohibits adult cabaret or sexually-oriented billboards from being located within one mile of a state highway. This prohibition will not apply if the business is located within one mile of the highway. If the adult cabaret or sexually-oriented business is located within one mile of the state highway, then the business can display a maximum of two exterior signs on the premises of the business. The signs are limited to the purpose of conveying identification and providing notice that the premises are off limits to minors. The identification sign is limited to 40 square feet and can only convey the name, address, telephone number and operating hours of the business. Signs existing before the effective date of this act do not have to comply for a period of three years. Business owners who violate this act are guilty of a Class C misdemeanor.

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0616

SENATE SPONSOR Nodler

1986S.01I

SB 616 - Subsection 4 of Section 355.176, RSMo, which provides where suits against non-profit corporations may be commenced, was repealed by the General Assembly in SB 768 (1996). The Missouri Supreme Court then found that bill to be in violation of the clear title requirement in the Constitution. Thus, the venue provisions for suits against non-profit corporations were never repealed and are still part of our laws. However, once SB 768 passed, the Revisor of Statutes removed that subsection from the printed version of the Revised Statutes. The Revisor is not authorized to re-publish a subsection of law

that has been repealed by the legislature even if the Supreme Court has overturned that repeal. This act would serve to have the section re-published in the RSMo, but will not cause any substantive change to the current law.

JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0617

SENATE SPONSOR Cauthorn

1966S.01I

SB 617 - This act requires all fees collected for pesticide use be deposited into the Missouri Qualified Fuel Ethanol Producer Incentive Fund.

This act contains provisions similar to SB 532 (2003).
SARAH MORROW

022603 S First Read

EFFECTIVE : Contingent

SB 0618

SENATE SPONSOR Kennedy

1794S.01I

SB 618 - This act requires the Director of the Department of Mental Health, in partnership with the Department of Health and Senior Services, to design a state suicide prevention plan. The Departments of Mental Health and Health and Senior Services shall work collaboratively with the Departments of Social Services, Elementary and Secondary Education, Higher Education, and Corrections to develop the plan.

The state suicide prevention plan must:

1. Promote the use of employee assistance and workplace programs to support employees with depression, psychiatric illnesses, and substance abuse disorders;
2. Promote the use of student assistance and educational programs to support students with depression, psychiatric illnesses, and substance abuse disorders;
3. Provide training and technical assistance to local public health and community-based professionals on the best practices to prevent suicides;
4. Establish a toll-free suicide prevention hotline;

5. Coordinate with federal, state and local agencies in order to collect and analyze data on suicide and suicidal behaviors;
6. Annually issue a public report; and
7. Recommend any statutory changes and implementation and funding requirements of the plan.

The proposed state suicide prevention plan must be submitted to the General Assembly by December 31, 2004.

This act is similar to HB 59 (2003) and HB 269 (2003).
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0619

SENATE SPONSOR Loudon

1948S.01I

SB 619 - This act repeals the requirement that applicants for a surplus lines insurance license file a bond with the Director of the Department of Insurance.

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0620

SENATE SPONSOR Loudon

1562S.01I

SB 620 - This act implements various economic development concerning targeted industries, enterprise zones and job training programs at community colleges. The major provisions of the act are as follows:

Essential and targeted industries (Sections 100.710, 100.840, 100.850, RSMo): The above sections within the Missouri Business Use Incentives for Large-Scale Development Act (BUILD) are modified to allow for retention projects in "essential industries".

The act adds to the purview of "eligible industries" those that meet the following requirements:

- Must be a "targeted industry", i.e. one that is critical to state's economic security and growth as

determined by the Department of Economic Development (DED) and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Must be located in a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);

- Must have had at least 2,000 jobs at the project site for each of the five preceding years;

- Must retain the number of jobs (actual number of jobs not the 2,000 minimum) for the duration of the BUILD certificates (10 15 years); and

- Must invest at least \$500 million (new investment) in the project.

The act also eliminates the cumulative cap and replaces it with an annual tax credit cap of \$11 million.

Regarding the Enterprise Zone Program: (new Sections 135.276, 135.277, 135.279, 135.281, 135.283, RSMo):

This part of the act contains new provisions that build on existing enterprise zone law concerning retention projects. The act follows the pattern of existing enterprise zones except as follows:

- Must be an "essential industry" to be eligible to apply for the retention program:

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;

- Enterprise zone must include all or part of a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies)

- Must have had at least 2,000 jobs at the project site for the five preceding years;

- Must retain the jobs for 10 years (actual number of jobs not the 2,000 minimum);

- Must invest at least \$500 million (new investment) in the project over 2 year period within first 5 years of project;

- DED must consider soundness of project;

- Local incentives must be provided;

- Wages must exceed average wage of county;

- The incentive must be needed to make a project remain in MO; and

- Company must be considering another state for the project.

The act offers a refund mechanism:

- Eligible to apply if tax credits exceed taxable income for facility by \$1 million;

- No more than 2 million refund in any year;

- Cannot receive refund for more than five consecutive years;
- If tax credits exceed taxable income by more than 2 million, those credits can be carried forward for refund purposes.

Community College New Jobs Training Program (Section 178.892, RSMo) - Modified to allow for retention projects in "essential industries":

- Must be a "targeted industry" one that is critical to state's economic security and growth as determined by DED and affirmed by the Joint Committee on Economic Development Policy & Planning;
- Must be located in a city meeting certain population parameters in a county meeting certain parameters (Hazelwood is only city that currently qualifies);
- Must have had at least 2,000 jobs at the project site for the five preceding years;
- Must retain the jobs (actual number of jobs not the 2,000 minimum) for the duration of the CCNJT certificates (8 years);
- Wages must exceed average wage of county.

The act will terminate January 1, 2006 if a project has not been approved by DED by December 31, 2005. If a project has been so approved, act will terminate on January 1, 2020.
JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0621

SENATE SPONSOR Loudon

0767L.01I

SB 621 - Under this act, the owner of any property located within any home rule city having a population of more than 26,200 but less than 26,300 inhabitants who permits derelict vehicles to remain on his or her property shall be liable for the removal of the derelict vehicles if they are declared a public nuisance.

This act shall not apply to agricultural or horticultural property, property containing any licensed vehicle service or repair facility, or to property in which the derelict vehicle is enclosed in a permanent structure designed for vehicle storage. To declare the derelict vehicle to be a public nuisance, the governing body of the city shall give a hearing upon 10 days notice. At the hearing, the governing body may declare such vehicles to be public nuisances and order them abated within 5 days. If the nuisance is not abated within such time period, the

governing body shall have the nuisance abated and assess the cost of the removal to the owner.

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0622

SENATE SPONSOR Loudon

1911S.01I

SB 622 - This act revises the current law with respect to health insurance coverage for mental health conditions and chemical dependencies.

CHEMICAL DEPENDENCY COVERAGE - Under this act, coverage offered under a group health insurance policy for outpatient treatment through a nonresidential treatment program shall not exceed 26 days per policy benefit period. Under the current law, 26 days is the minimum number of days. Under this act, the lifetime frequency cap on chemical dependency coverage is limited to 5 episodes of treatment (current law requires a minimum of 10 episodes of treatment). The provision of law which allows insurers to limit inpatient hospital treatment for mental illness to 90 days per year is repealed (Section 376.811.2, RSMo). The act provides that these chemical dependency provisions only apply to group policies and not individual accident and sickness insurance policies.

MENTAL HEALTH CONDITION - This act requires health carriers that offer health benefit plans in this state on or after January 1, 2004, shall provide covered services for mental health conditions. Mental health conditions are defined as those listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders IV. Coverage for mental health conditions cannot have rates, terms, or conditions that place a greater financial burden on an insured for mental health treatment than for a physical health condition. Any deductible or out-of-pocket limits required by a health carrier shall be comprehensive for coverage for all health conditions, whether mental or physical. Coverage and treatment of mental health conditions may be provided through a managed care organization. The act does not apply to supplemental insurance policies.

The act also repeals several sections relating to mental illness and addictive disorders. The sections repealed include current exceptions to the requirement that health insurers who cover services for mental illness and addictive disorders provide the same coverage as they do for physical illness. These sections (Sections 376.825 - 376.840) are collectively known as

the "Mental Health and Chemical Dependency Insurance Act".

This act is substantially similar to the perfected version of HB 1440 (2002).

STEPHEN WITTE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0623

SENATE SPONSOR Foster

1912S.01I

SB 623 - This act creates procedures for challenges to fiscal notes and fiscal note summaries prepared for initiatives and referenda.

If the Attorney General or the circuit court of Cole County determine that a fiscal note or fiscal note summary has been incorrectly prepared, the note or summary shall be returned to the state auditor for revision. Such note or summary cannot be certified by the secretary of state until approved by the attorney general or the court.

Any citizen challenging the fiscal note of a proposed measure shall include in the petition the reasons why such fiscal note or fiscal note summary is insufficient or unfair. The petition shall request a different fiscal note or fiscal note summary. The court shall consider the petition, hear arguments and decide to either certify the fiscal note or fiscal note summary or remand it to the state auditor for preparation of a new fiscal note or fiscal note summary.

JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0624

SENATE SPONSOR Foster

1982S.01I

SB 624 - This act adds the Ozark Foothills child assessment center to the fourteen regional centers that are funded by the Department of Social Services.

LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0625

SENATE SPONSOR Foster

1985S.01I

SB 625 - This act requires providers of long-term care services to be reimbursed for reasonable and adequate costs that are incurred by efficiently and economically operated facilities.

LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0626

SENATE SPONSOR Coleman

1955S.01I

SB 626 - This act provides that barbers with licenses that have lapsed for more than two years but less than five years may reinstate their licenses by applying to the Board of Barber Examiners, paying appropriate fees and successfully passing the practicum portion of the state licensing examination.

This act is identical to HB 358 (2003).

JIM ERTLE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0627

SENATE SPONSOR Coleman

1919L.01I

SB 627 - This act clarifies provisions for the deferred retirement option plan (DROP) for St. Louis City Police Retirement System.

CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0628

SENATE SPONSOR Coleman

1961S.01I

SB 628 - This act modifies the law relating to the Division of Family Services and placement of children in foster care. Any employee of the Division that intentionally or violates with gross negligence the Division's policy, rules, or state laws will be civilly and criminally liable for damages. Employees that violate policies, rules, or laws shall be guilty of a class A misdemeanor. If serious physical injury or death occurs, the employee will be guilty of a Class D felony.

Any changes in the Division's policy must be submitted to the Joint Legislative Committee for review. The Committee will consist of five members from the Children and Families House Committee and five members from the Aging, Families, Mental and Public Health Senate Committee. The Committee will approve or disprove the submitted changes and amend as necessary without submitting to the agency.

Individuals that report abuse and neglect must give the Division their social security number. All meetings dealing with removing a child from the home must be recorded. The Division must keep the recordings closed for six months after the case is closed.

The Division may refuse to issue or revoke a foster home license to an individual that has pled guilty or been found guilty of an offense involving an act of violence.

This act is identical to HB 396 (2003).
LORIE TOWE

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0629

SENATE SPONSOR Coleman

0808S.01I

SB 629 - This act creates the "More for Four" pilot program.

Subject to appropriation, the Department of Elementary & Secondary Education (DESE) will provide grants to a maximum of twenty-five pre-kindergarten pilot programs, affecting a maximum of 1,500 children statewide in each year of the pilot program. The program will provide classroom settings within public schools, head start centers, and community-based childcare

centers and preschools. Parents will be allowed to choose where to enroll their child by working with the local school district and such services located within the boundaries of such school district.

DESE will collaborate with other state agencies in developing standards for the program. Also, DESE will develop standards for the program and criteria for sponsorship selection for the program.

Priority will be given to four-year old children who are not receiving any services and to those children who are eligible for financial assistance for services but who are not receiving any assistance. DESE shall determine other criteria as to participation among school districts and at-risk children, and shall submit a report of the effectiveness of the more for four program.

The More for Four Program shall expire August 28, 2008.
DONALD THALHUBER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0630

SENATE SPONSOR Scott

1965S.01I

SB 630 - This act eliminates the necessity of having a Basic Air Operating Permit for an air contaminant Class B source pursuant to Missouri Clean Air Law.
CINDY KADLEC

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0631

SENATE SPONSOR Bray

1556S.01I

SB 631 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

Compliance involves modifying many sections throughout the law, based upon meeting the following criteria:

(1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where

necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;

(2) When a city annexes property, the change to the tax rate will take place on the first day of the second calendar quarter after the Director of Revenue receives notice of the boundary change;

(3) The same provisions as in (2) shall apply to rate changes;

(4) All sales taxes must be administered at the state level if they are not already;

(5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;

(6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;

(7) The Department of Revenue can require electronic filing and payment of the sales and use tax;

(8) Registration for out of state sellers is simplified and no bond is required;

(9) No caps or thresholds may exist on the collection of sales or use taxes; and

(10) Out of state sellers must be offered uniform, simplified, electronic filing.

JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0632

SENATE SPONSOR Days

1957S.01I

SB 632 - This act requires that a student's individualized education program (IEP) committee give due consideration to maintaining a private placement option for the remainder of the school term when a child reaches the age of three during a school term.

Further, the act removes language from the section which specifies that preference shall be given to the continuation of services with the student's private provider unless the cost exceeds the average per student cost of early childhood education in the district.

DONALD THALHUBER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0633

SENATE SPONSOR Shields

0885S.02I

SB 633 - This act enables any property owner who owns a contiguous parcel of land that is situated in both the city of Liberty and the city of Claycomo to choose to detach such property from one city and annex such detached portion to the other city. Where the city to which the property is being attached is a village, the governing body shall adopt an ordinance and submit the issue of annexation to a vote of the people. Where the city to which the property is being attached is a charter city, the city shall proceed with annexation under the provisions of its charter. Following annexation, the annexing body shall notify the other city of the annexation.
JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0634

SENATE SPONSOR Coleman

1940S.01I

SB 634 - This act prevents the transitional district operating levy authorized in current law from being subject to certain tax increment financing projects. The tax will not be subject to any certificate of tax abatement issued after August 28, 1998, or, as of January 1, 2002, such tax will not be subject to any TIF project in St. Louis with the exception of a project concerning a convention headquarters hotel adopted by ordinance in St. Louis after August 28, 2003.
JEFF CRAVER

022603 S First Read

EFFECTIVE : August 28, 2003

SB 0635

SENATE SPONSOR Mathewson

2015S.01I

SB 635 - This act modifies a number of statutes to reflect the reorganization of certain executive branch departments already done by executive order. The Office of Administration, not the Department of Economic Development, is now responsible for providing support to the Missouri Minority Business Advocacy

Commission. The Division of Family Services is abolished and its duties are transferred to the newly created Family Support Division, and the Children's Division and to the existing Division of Workforce Development within the Department of Economic Development. Certain duties of the Department of Public Safety are transferred to the Highways and Transportation Commission.

JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0636

SENATE SPONSOR Mathewson

2004S.01I

SB 636 - This act makes several changes to the employment security laws. The act:

- (1) Revises the calculation for the state taxable wage base for year 2004 and thereafter;
- (2) Removes the compensability of the one-week waiting period during unemployment;
- (3) Changes the maximum weekly benefit amount for year 2004 and thereafter, and changes the calculation of that amount;
- (4) Revises the calculation of partial benefits claimed after year 2003;
- (5) Changes the basis for determining industrial classification divisions for purposes of calculating employer contributions for unemployment insurance from the Standard Industrial Classification manual to the industrial classification system established by the federal government;
- (6) Recalculates the contribution rate of a successor employer when there is a difference in rates between the predecessor and successor employers, and revises the rate table; and
- (7) Revises the method for determining the annual contribution rate adjustment.

The act contains an emergency clause.

This act is similar to HB 155 (2003).

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0637

SENATE SPONSOR Caskey

1978S.01I

SB 637 - Current law assigns no time limit regarding the length of time a school district may remain provisionally accredited after having been declared unaccredited. This act requires the State Board of Education to place a cap of no less than one and no more than two full school years on such districts to regain full accreditation or face lapse of district corporate structure.

Further, this act renders alterations to the hearing that is required to be held in a district after it is declared unaccredited, by stating that the hearing must be held at least 60 days prior to the date of lapse. A special administrative board is also given standing to enjoin school board actions that might result in waste of assets. The State Board of Education is given the option of permitting a lapsed district to continue to operate under its existing governance structure pursuant to terms and conditions the Board establishes.

This act is identical to HB 399 (2003) and similar to HB 2024 (2002).
DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0638

SENATE SPONSOR Days

1976S.01I

SB 638 - This act requires license-exempt residential care facilities to provide parents or guardians with two copies of a notice of parental responsibility. One copy will be kept in the files of the facility with the parent or guardian's signature.

The notice of parental responsibility will include:

- Notification that the facility is license-exempt and is not subject to inspections or supervision by the state;
- Notification that the facility is complying with applicable fire, health and sanitation requirements;
- The names, addresses, and telephone numbers of the inspectors; and
- Notification that background checks have been conducted on employees of the facility.

A copy of the notice of parental responsibility will be filed annually in the month of August with the Department of Health and Senior Services.

The Department must give facilities written notification within twenty days of any suspected noncompliance. If the facility does not comply within twenty days, the Department may notify the county's prosecuting attorney. The prosecuting attorney may seek injunctive relief against the facility.
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0639

SENATE SPONSOR Foster

2025S.01I

SB 639 - This act amends the present historic preservation tax credit to remove property used for residential purposes from the definition of an "eligible property". The act also limits the amount of the credit to twenty percent of the total costs and expenses of rehabilitation, down from twenty-five percent.

The provisions of the act are prospective and will not adversely affect any credits already issued by the Department of Economic Development.
JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0640

SENATE SPONSOR Foster

2020S.01I

SB 640 - This act creates the State Historical Monuments, Memorials and Markers Board. This is a 12 member board appointed by the governor with the advice and consent of the Senate. Members of the Board receive no compensation but are reimbursed for necessary expenses.

The Board shall hold public meetings regarding the addition, modification or removal of any permanent monument on any site under the control of the department, maintain an inventory of historical monuments and memorials on state, municipal and private property and file and publish an annual report of the

activity and status of all historically designated monuments, memorials, and veterans grave markers.

This act also makes it a Class A misdemeanor for any person to knowingly remove, deface or destroy any monument, memorial or veterans grave marker.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0641

SENATE SPONSOR Foster

1979S.01I

SB 641 - Current law asserts that impediments to the learning and normal functioning of special education children in the regular school environment shall be overcome whenever practicable rather than by separate schooling for the disabled. This act deletes the aforementioned provision and inserts language which asserts that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Further, the act alters provisions regarding judicial review of special education due process hearings by deleting the current provisions and inserting provisions which state that the court shall: receive the records of the administration proceedings; hear additional evidence at the request of a party; and grant the relief that the court determines to be appropriate, basing its decision on the preponderance of the evidence. Appeals may be taken from the judgment of the court as in other civil cases. Judicial review of the hearing panel's decision may be instituted by filing a petition in a court of competent jurisdiction within sixty days after the mailing or delivery of the notice of the agency's final decision. Except when provided otherwise, the provisions of the Administrative Procedure and Review chapter (Chapter 536, RSMo) are applicable to special education due process hearings and appeals.

DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0642

SENATE SPONSOR Foster

1930S.01I

SB 642 - This act amends an exception to the mandatory days of school attendance to apply to inclement weather during the 2002-2003 school year.

The act contains an emergency clause.

This act is similar to HB 274 (2001).
DONALD THALHUBER

022703 S First Read

EFFECTIVE : Emergency Clause

SB 0643

SENATE SPONSOR Yeckel

2021S.01I

SB 643 - This act abolishes the position of family court commissioner and replaces the commissioners with associate circuit court judges.

JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0644

SENATE SPONSOR Kennedy

1992S.01I

SB 644 - Current law expresses that school districts may coordinate with public, private, and private not-for-profit agencies for the delivery of efficient early childhood special education. This act changes the aforementioned "may" to "shall".

Further, the act adds a provision asserting that in cases where additional costs exceed the average cost per student in early childhood special education, the parent or guardian of the student may pay the difference in such costs to allow the student to continue services with the student's provider or agency of providers.

DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0645

SENATE SPONSOR Kennedy

1854S.01I

SB 645 - This act clarifies and removes unnecessary language in regard to a members election to participate in the deferred retirement option plan.

The act establishes that the death benefit payable to a surviving spouse pursuant to Subdivision (8) of Section 86.280 and Subdivision (8) of Section 86.283 shall be adjusted annually for cost of living increases at a rate not to exceed three percent as approved by the Board of Trustees and sets forth rules as to when the benefits are increased. Further, the act removes the thirty percent cumulative cap on cost of living increases in the year 2006.

The act adds members who are participating in the deferred retirement option plan to those who receive benefits of Section 86.280. The act further adds a new subdivision to Section 86.280 which addresses the pension of a surviving spouse, or if there is no surviving spouse then to the other eligible individuals, for the year following the members death.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0646

SENATE SPONSOR Bray

2007S.02I

SB 646 - This act provides that the apportioned amount of each expenditure made by committees subject to campaign finance disclosure requirements in support of or in opposition to a candidate shall be reported to the candidate, the Missouri Ethics Commission and the appropriate election authority. Such report shall be made within five days of making the expenditure, and the report made to the Commission shall be made in an electronic format as prescribed by the Commission and shall become a part of the candidate's disclosure report.

JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0647

SENATE SPONSOR Bray

2008S.01I

SB 647 - This act requires the State Board of Education, in consultation with the Department of Health and the Department of Agriculture, to promulgate rules regarding model school district healthy dietary guidelines.

School districts may adopt the guidelines as part of a program to promote awareness of healthy lifestyle choices. The guidelines shall be based upon documented scientific and medical research concerning healthy diet choices and shall, to the extent consistent with such research, consider options for including agricultural products produced in Missouri.

DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0648

SENATE SPONSOR Shields

1530L.01I

SB 648 - This act allows the Missouri Development Finance Board to designate a life sciences funding district within state universities. The Board must notify each taxing district located within a life sciences funding district of the designation. A "Life Sciences Research Fund" is established within the State Treasury and shall disburse all new tax revenues and payments in lieu of taxes to the state university within the life sciences funding district for the purpose of funding life sciences projects. State universities must submit to the Board a strategic plan that details the goals of the research prior to receiving any funds for the project.

LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0649

SENATE SPONSOR Shields

2009S.01I

SB 649 - This act modifies the law relating to the Putative Father Registry. Lack of knowledge of a pregnancy does not

excuse the failure to timely file with the State Registrar. However, a man's consent to an adoption is not waived by the failure to file with the State Registrar if there was fraud or misrepresentation. Upon the discovery of the fraud or misrepresentation, the man shall have fifteen days to file. Pamphlets and publications regarding the Putative Father Registry must include the specific statements contained in Section 192.016, RSMo.
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0650

SENATE SPONSOR Jacob

1984S.01I

SB 650 - This act establishes faculty representatives on the governing boards of state colleges and universities.

This act applies to the University of Missouri, Lincoln University, Truman State University and the state four-year universities and colleges. The nonvoting faculty representative shall be appointed by the Governor for a term of three years from a list of three names provided by the faculty organization. The bill provides for four faculty representatives to the Board of Curators of the University of Missouri, one from each campus.

This act is identical to SB 796 (2000).
DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0651

SENATE SPONSOR Steelman

1998S.01I

SB 651 - This act names the "Norton/Cynthiana" grape the official state grape of Missouri.
SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0652

SENATE SPONSOR Steelman

1257S.02I

SB 652 - The act revises provisions regarding declarations of emergencies. The act adds a definition for "disaster area" which is an area designated by the Governor or by resolution of the General Assembly. The act requires that any emergency be limited to the least restrictive geographic area and in the least intrusive means possible. The act limits emergencies proclaimed by the Governor be limited to 10 days unless extended by resolution of the General Assembly for no more than 30 days. Emergencies may also be declared by a joint resolution of the General Assembly. Joint Resolutions to declare or extend an emergency must be passed by a 2/3 majority of the members of the General Assembly.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0653

SENATE SPONSOR Steelman

1920S.02I

SB 653 - This act prohibits glass beverage containers on navigable waterways in Missouri unless the substance is prescribed by a licensed physician. The act also requires persons on navigable waterways to secure containers with food and beverages in vessels which are susceptible to swamping or tipping and discharging their contents into a waterway. Persons are required to carry a trash bag and transport their trash for disposal. If the beverage is outside the secured container it must be held in a floating holder or other device designed to prevent the beverage from sinking.

Violations are a Class A misdemeanor and each violation may be prosecuted as a separate offense.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0654

SENATE SPONSOR Steelman

1626S.02I

SB 654 - This act requires contractors and companies who repair, remove, and close petroleum liquid storage systems to have on file with the Division of Weights and Measures in the Department of Agriculture documentation regarding insurance and proof of being able to be bonded.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0655

SENATE SPONSOR Klindt

1695S.01I

SB 655 - This act specifically excludes agricultural stormwater discharges and return flows from irrigated agriculture from the definition of "point source" and "water contamination source". This act also alters the definition of "waters of the state" and specifically excludes an accidental or unintentional discharge where discharge is entirely confined upon lands owned, leased or controlled by individual or two people jointly or as tenants in common and where the discharged water contaminates are removed or cleaned up to the extent that future flow of water off the property does not exceed any of the standards, regulations or limitations. The term also does not include accidental or unintentional discharge into a pond, lake or reservoir not actively discharging water through the spillway as long as it is contained on lands owned or controlled by an individual or two people jointly or as tenants in common as long as future flow of water does not exceed any standards, regulation or limitations.

Requests for state operating permits associated with a construction permit application are exempted from paying a fee.
SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0656

SENATE SPONSOR Klindt

1731S.01I

SB 656 - This act transfers the authority to regulate animal feeding operations from the Department of Natural Resources to the Clean Water Commission.

This act allows the Clean Water Commission to promulgate

rules for the establishment, construction and operation of class IA concentrated animal feeding operations. Regulatory controls imposed by a local governmental entity shall be based on peer reviewed, scientific evidence. If the local controls are challenged, the burden of proof is shifted to the local governing body.

This act allows for buffers between confinement buildings and any public building or occupied residence.

This act eliminates the notice given to adjoining property owners when applying for construction permits. Information required for a construction permit are: 1) number of animals; 2) waste handling plan; 3) location and number of acres; 4) name and address of a registered agent; 5) notice of the Commission to accept written comments for 30 days; and 6) the address of the regional or state offices of the Commission.

The Commission shall issue a permit or respond with a letter of comment within 45 days of receiving a completed application.

The provisions of this act do not apply to any livestock market.

This act allows for any permit issued before August 28, 2003 to be valid under the provisions of these sections.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0657

SENATE SPONSOR Klindt

1893S.01I

SB 657 - This act relates to animal research and production facilities and expands the definition of "animal facility" to include an animal farming operation, business or organization that engages in the agricultural production or scientific research, including barns, buildings or other structures.

This act makes it a Class D felony if a person photographs, videotapes or otherwise obtains images without the express written consent of the animal facility, from a location not legally accessible to the public.

This act makes it a Class B felony for a person to intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease to an animal or that threatens the human health or

biosecurity at the animal facility.

This act also gives the Director of the Department of Agriculture the ability to initiate civil legal action in the circuit court of the county where the violation occurred.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0658

SENATE SPONSOR Cauthorn

2024S.01I

SB 658 - This act creates the Missouri Physicians Mutual Insurance Company Act. The Missouri Physicians Mutual Insurance Company is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company will be organized as a mutual insurance company and shall not be a state agency. The company shall be a member of the Missouri property and casualty guaranty association and shall be subject to assessments. Members of that association shall bear responsibility in the event the company becomes insolvent.

BOARD OF DIRECTORS - The company shall be administered by a Board of Directors consisting of seven members. The initial members shall be appointed by the Governor with the advice and consent of the Senate. One member shall come from St. Louis or St. Louis County, one member from Jackson or Clay County, one member from Green County, and the remaining four members shall come from other areas of the state. The Board shall hire an administrator who shall be in charge of the day-to-day operations and management of the company.

RATE SETTING AND INVESTMENTS - The Board shall have full power and authority to establish rates to be charged by the company for insurance. Rates shall be set at amounts sufficient to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The Board shall invest and reinvest the surplus or reserves of the company.

PRODUCERS MAY SELL COMPANY POLICIES - Any insurance producer licensed to sell professional negligence insurance in Missouri shall be authorized to sell insurance policies for the company.

MEDICAL NEGLIGENCE REDUCTION PROGRAM - The administrator shall formulate, implement, and monitor a program to decrease medical

negligence. The Board may refuse to insure or terminate the insurance of any subscriber who refuses to attend seminars or other programs designed to reduce medical malpractice.

STATE APPROPRIATIONS/OPERATING EXPENSES - The company shall not receive any state appropriation, directly or indirectly, except it may receive loans from the State Treasurer. After October 1, 2003, the State Treasurer shall make one or more loans to the company not to exceed \$10 million. These monies shall come from a fund known as the Physicians Mutual Insurance Company Loan Fund which shall be funded by the Legislature by an appropriation. The loans shall be for a term of 10 years and shall bear interest at the annual rate on the rate for linked deposit loans as calculated by the State Treasurer pursuant to section 30.758.

REVENUE BONDS - The Board is authorized to issue revenue bonds in an amount not to exceed \$50 million. The bonds shall have a maturity of no more than 10 years from the date of issuance. The bonds may be sold at a public or a private sale.

AUDITS - The Board shall have an audit of its books, accounts, and funds conducted annually by a competent and independent CPA firm. A copy of the audit shall be filed with the Director of the Department of Insurance and the administrator.

The incurred loss experience and expense of the company shall be ascertained each year to include but not be limited to estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company.

The Department of Insurance shall conduct an examination of the company. The Board shall pay the cost of the examination.
STEPHEN WITTE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0659

SENATE SPONSOR Cauthorn

2023S.01I

SB 659 - This act modifies the regulation and supervision of physician assistants. The definition of "supervision" requires that there be direct, on-site control in the same office where the physician is present.

Physician assistants are prohibited from performing any of the listed procedures in Section 334.735, RSMo, on a new patient without prior examination, evaluation and diagnosis of the supervising physician. For the treatment of existing patients, physician assistants must obtain prior approval through a documented order, signed and dated by the physician. Any physician assistant practicing under a physician supervision agreement must notify the Board of Registration for the Healing Arts in order for the Board to track the agreement and make it available to the public.

The current subsection (8) of section 334.735, which deals with certain physician supervision agreements, is deleted. New language requires physician assistants to carry individual liability insurance in an amount no less than \$1 million dollars. New language also states that it will be against public policy to make contracts or agreements that require a physician to supervise a physician assistant without also providing a right to refuse supervision if the physician assistant is not believed to have the necessary level of skill and competence.

This act is identical to SB 874 (2000).
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0660

SENATE SPONSOR Cauthorn

1981S.01I

SB 660 - This act makes various changes regarding procurement:

1. The act allows the state to give preference in purchasing to businesses that are either located in Missouri or which employ Missourians;
2. The act allows the state to use the reverse auction procurement method, wherein bidders would openly compete against each other through real-time electronic bidding with the award being made to the lowest bidder;
3. The act modifies the recycling preference law to remove provisions that have expired;
4. The act removes sections concerning vendor rotation and purchasing consolidation.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0661

SENATE SPONSOR Wheeler

2018S.01I

SB 661 - This act allows regionally accredited post-secondary educational facilities to be eligible for tourist directional and travel information signs.

STEPHEN WITTE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0662

SENATE SPONSOR Wheeler

1953S.01I

SB 662 - This act makes it a Class A felony for licensed pharmacists to knowingly tamper with prescription drugs. Tampering, in this act, means misbranding, diluting or altering the concentration or chemical structure of any prescription drug.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0663

SENATE SPONSOR Dolan

1886S.01I

SB 663 - This act modifies Section 41.950, RSMo, concerning relief from certain provisions of law for activated military personnel. That section was implemented during the Persian Gulf War. This act serves to grant a property tax exemption to such personnel for any tax liability arising from their ownership of a car, if such soldier is called-up for six months or more.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0664

SENATE SPONSOR Childers

0255S.01I

SB 664 - This act specifies that a medical malpractice action may be brought against a physician for the failure to inform a patient of the results of an abnormal medical test, unless the physician never received the results of the abnormal medical test. If a facility fails to notify a physician of the results of an abnormal medical test, then the facility will be the subject of the medical malpractice action.

Evidence that the patient was informed of the abnormal medical test can include a conversation of record between the physician and the patient, a letter to the patient's last known address, or any other communications consistent with that particular patient-physician relationship.

LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0665

SENATE SPONSOR Bland

1704S.02I

SB 665 - This act requires health insurance policies to cover treatment for overweight and obese persons. A new section 376.784 is created and requires all health insurance plans to notify policyholders of the availability of such coverage. The coverage will be limited to a lifetime cap of one weight reduction program. However, this limitation will not apply to any immediate or life-threatening treatment.

Nothing in this section will restrict any existing coverage or allow limits on the coverage for overweight and obese persons to access medically necessary and appropriate treatments.

This act is similar to SB 730 (2002).
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0666

SENATE SPONSOR Bland

1892S.01I

SB 666 - This act states that each school district in this state shall, no later than July 1, 2004, develop, and make available to the public, a policy regarding enrollment option

plans.
DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0667

SENATE SPONSOR Bland

0868S.03I

SB 667 - This act requires the Sentencing Advisory Commission of thirteen members to evaluate and study sentencing guidelines, length of sentence and other issues. The Commission will study alternative sentences, work release programs, probation and parole options and other programs and report the feasibility of these options.

The Commission will publish and distribute recommendations before July 1, 2004, and shall revise these recommendations every two years.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0668

SENATE SPONSOR Cauthorn

1990S.01I

SB 668 - This act decreases the number of employees in an employee-qualified capital project from 100 to 60 in order to receive a New Generation Cooperative Incentive Tax Credit.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0669

SENATE SPONSOR Dougherty

2017S.01I

SB 669 - This act changes the statute of limitations for bringing an action for a childhood sexual abuse case to ten years or within three years of discovery of the injury.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0670

SENATE SPONSOR Dougherty

1872S.01I

SB 670 - This act prohibits a consumer reporting agency from determining the credit risk score of a resident of this state by the number of inquiries posted on a consumer's credit files. Any consumer who receives a credit risk score in violation of this act shall have the right to bring a civil action and seek injunctive relief. The Attorney General is also authorized to prosecute civil and criminal actions authorized by this section.

JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0671

SENATE SPONSOR DePasco

0974S.01I

SB 671 - This act allows cigarette retailers to make agreements with manufacturers to participate in merchandising, advertising, display, or consumer discount or promotional agreements or programs. The retailers would be allowed to receive compensation for their participation. It is unlawful for a cigarette manufacturer to condition receipt of promotions or discounts on an allocation space for cigarettes or their advertising; restriction of display or merchandising of other manufacturer's products; or requiring certain pricing on another manufacturer's products.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0672

SENATE SPONSOR Coleman

2022S.01I

SB 672 - This act limits where special firework shows may be conducted. Any enclosed venue with a maximum occupancy of less than three thousand or any enclosed venue with a floor to ceiling height of less than forty feet shall receive a license to have a special fire work show. All enclosed venues who wish to have special firework shows will be required to have a permit. Violators of the section would be guilty of a Class A misdemeanor.

The act requires that no firework shall be discharged between the hours of 10:00 p.m. and 8:00 a.m. However, the seven days preceding and following July 4th and the three days preceding and following New Years Eve of each year, discharge of fireworks shall only be prohibited between the hours of 12:00 a.m. and 8:00 a.m. The governing body of any city, town, or village may grant exemptions to this provision. Any political subdivision may enact more stringent regulations that this section establishes. The act also limits the discharge of fireworks in an imprudent, disorderly, or reckless manner. Any violation would be a misdemeanor punishable by a fine of not more than \$250.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0673

SENATE SPONSOR Coleman

2034S.01I

SB 673 - This act requires the Department of Health and Senior Services to offer a vaccination program for first responders. Participation in most cases is voluntary, and authorized exceptions exist. The program will become effective upon receipt of federal funds.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0674

SENATE SPONSOR Gross

2014S.01I

SB 674 - This act authorizes the conveyance of Marshall Habilitation Center and Midtown Habilitation Center.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0675

SENATE SPONSOR Gross

1921S.02I

SB 675 - This act eliminates the balances all special funds created by statute with the exception of funds for the payment of bonded debt. All moneys in such funds and intended for such funds in the future are transferred to the general revenue fund. The original purpose concerning the revenue in each fund shall be preserved.

The Revisor of Statutes is authorized by the act to make necessary changes to substitute the state general revenue fund in lieu of any special fund.

JEFF CRAVER

022703 S First Read

EFFECTIVE : Emergency Clause

SB 0676

SENATE SPONSOR Kennedy

2031S.01I

SB 676 - This act amends an exception to the mandatory days of school attendance to apply to inclement weather or an outbreak of influenza during the 2002-2003 school year.

The act contains an emergency clause.

This act is similar to HB 274 (2001).

DONALD THALHUBER

022703 S First Read

EFFECTIVE : Emergency Clause

SB 0677

SENATE SPONSOR Vogel

1972S.01I

SB 677 - This act makes the federal accelerated depreciation

decoupling from SB 1248 (2002) permanent.
JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0678

SENATE SPONSOR Vogel

1968S.01I

SB 678 - This act repeals the single factor apportionment method for multistate corporate income. The act also reduces the corporate income tax rate by 1% from 6.25% to 5.25% for all tax years beginning on or after 1/1/2003.
JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0679

SENATE SPONSOR Loudon

2027S.01I

SB 679 - This act provides that the interest rate on moneys due from a judgment or court order shall be equal to the coupon issue yield equivalent, as determined by the Federal Reserve Board, of the average accepted auction price for the last auction of 52 week U.S. Treasury bills settled immediately prior to the date of judgment.

In order for a claimant to make certain demands for prejudgement interest in tort actions for bodily injury or wrongful death, the claimant must provide sufficient information to reasonably evaluate a claim in regard to which the nature and extent of the claimant's injuries and damages are reasonably ascertainable.
JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0680

SENATE SPONSOR Loudon

1882S.02I

SB 680 - This act establishes the Missouri Electrical Industry Licensing Board. The Board will have seven members, six will represent professional associations and one shall represent the public. The Board shall be appointed by the Governor and confirmed by the Senate. The Board in collaboration with the Division of Professional Registration shall adopt, implement, rescind and amend rules and regulations pursuant to this act. Further the board shall have the power to grant, rescind or otherwise punish licensees under their jurisdiction.

The act establishes licensure requirements for an electrical contractors, low voltage electrical contractors, and limited electrical contractors. The act allows the Board to waive the certification requirements of the act for those electrical contractors who are operating as such before the enactment of this act.

Any violation of this act may subject the individual to criminal and civil penalties.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0681

SENATE SPONSOR Loudon

1964S.01I

SB 681 - This act provides that either party to an unlawful discriminatory practices action may demand a trial by jury. The sum of actual damages and punitive damages that may be awarded to a complaining party is limited depending on the number of employees of the defendant.

This act is identical to HB 468 (2003).
JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0682

SENATE SPONSOR Loudon

1993S.01I

SB 682 - This act requires the juvenile court to notify and report to the school district any violations of §167.031, RSMo. The school district must immediately refer all private,

parochial, or home school matters to the prosecuting attorney.
Public school violations of Section 167.031, RSMo, may be
referred to the prosecuting attorney.

LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0683

SENATE SPONSOR Clemens

1800S.02I

SB 683 - This act requires any land purchased by the
Department of Conservation which has not been improved upon by
more than \$10,000 to be sold at public auction.

SARAH MORROW

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0684

SENATE SPONSOR Dougherty

1808L.03I

SB 684 - This act expands the definition of "child-care
facility" to include private elementary or secondary schools as
it relates to the licensing of certain child care facilities.
This act also adds that rules shall be promulgated in accordance
with Chapter 536, RSMo.

LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0685

SENATE SPONSOR Gibbons

2037S.01I

SB 685 - This act requires the Department of Mental Health
to develop and administer a comprehensive children's mental
health service system. The system will:

- Be child-centered, family-focused and family driven, with
the needs of the child and the family dictating the types of
services provided;

- Provide community-based mental health services to children and their families;
- Respond in a culturally competent and responsive manner;
- Focus on stress prevention, early identification and intervention;
- Assure access to a continuum of services;
- Include early screening and intervention services;
- Address problems with paying for mental health services;
- Assure a smooth transition from mental health services for children to mental health services for persons 19 and older.

Mental health services must be included for Medicaid if the services are provided by an eligible system of a care provider. The Department of Mental Health, in collaboration with the Division of Medical Services, must establish by rule the definition and criteria for the designation of a community-based service.

The Department of Social Services must conduct research into all child custody cases to determine which cases only need mental health services. The Division of Family Services must apply for federal waivers from the U.S. Department of Health and Human Services in order to provide services to children.

This act is identical to HB 459 (2003).
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0686

SENATE SPONSOR Russell

2010S.01I

SB 686 - This act allows school districts to transfer unrestricted funds from the capital projects fund to the incidental fund in any year in which that year's June 30 combined incidental and teachers funds unrestricted balance compared to the combined incidental and teachers funds expenditures would be less than ten percent without such transfer.
DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0687

SENATE SPONSOR Russell

1969S.01I

SB 687 - This act prevents corporate income from being considered non-Missouri source income when determining multistate corporate income tax.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0688

SENATE SPONSOR Russell

1970S.01I

SB 688 - This act makes various changes related to taxation.

The act:

(1) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes;

(2) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. A retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections; and

(3) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0689

SENATE SPONSOR Russell

1971S.01I

SB 689 - This act eliminates the timely filing allowance for

employers collecting and remitting state income tax withholdings.
JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0690

SENATE SPONSOR Russell

1973S.01I

SB 690 - This act requires a tax clearance from the Department of Revenue prior to the issuance or renewal of any local government business license. The act also allows the Secretary of State to dissolve a corporation administratively if the corporation fails to file a Missouri corporation franchise report.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0691

SENATE SPONSOR Russell

1974S.01I

SB 691 - This act requires every vendor or affiliate of a vendor seeking to contract to provide goods and services to the State of Missouri to collect and pay all sales and use taxes. The act authorizes the Department of Revenue to disclose such information to the Commissioner of Administration.

JEFF CRAVER

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0692

SENATE SPONSOR Klindt

2026S.01I

SB 692 - This act creates the Missouri Rural Economic Stimulus Act. Powers in the act are to exercised by authorities created in the act. The act may be used for creation of renewable fuel production facilities which are in a municipality smaller than 100,000 persons and which will cost at least

\$3,000,000 and create at least 30 new jobs within three years.

A Rural Economic Stimulus Authority is created in each municipality upon the enactment of an ordinance establishing a development area in accordance with the act. Each Authority will be governed by a Board of Commissioners which will consist of between 5 and 14 members with staggered terms of three years. One of the Commissioners will be appointed by the school district or districts within the development area for a term of three years. Commissioners will be appointed by the mayor or chief executive. In addition to the Commissioners, a non-voting advisor shall be appointed by the other taxing districts located within the development area.

The powers of the Authority shall be exercised by its Board of Commissioners and powers of the authority are specified. The Authority shall be a public body corporate and politic. Powers granted to the authority are specified, excluding the right to acquire property by eminent domain. Certain information must be included in a development plan.

Prior to the adoption of the ordinance designating the development area, adopting a development plan or adopting a development project, the authority must hold a public hearing.

A municipality may adopt development financing for the development project area and a special allocation fund for the deposit of certain taxes from the development area to be apportioned or diverted pursuant to the Real Property Tax Increment Allocation Redevelopment Act if all or a part of the development project area becomes subject to tax increment financing.

The municipality may submit the development plan to the Missouri Agricultural and Small Business Development Authority for approval of the use of tax increment financing and if submitted must contain certain information. The municipality may request certain information from the Department of Revenue which must be provided within 45 days of such request. The General Assembly may annually appropriate the lesser of the tax increment increase plus \$12 million or \$150 million into the state supplemental rural development fund which is created.

The act establishes a Missouri Rural Economic Stimulus Act Joint Legislative Committee which will consist of ten members of the General Assembly, five from each body.

The Authority must make a report to the Director of the Department of Economic Development by the end of February each year. The Director shall then compile a report for submission to the Governor and General Assembly.

Every five years after the establishment of a development

plan, the governing body of the authority must hold a public hearing. The Director of the Department of Economic Development shall provide information and technical assistance as requested by any municipality.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0693

SENATE SPONSOR Klindt

2005S.02I

SB 693 - This act makes numerous changes regarding state employee workplace issues.

The act changes the name of the Division of Personnel to the Division of Human Resources and changes the name of the Personnel Advisory Board to the Human Resources Advisory Board. The director of the division of human resources is allowed to work with appointing authorities and delegate his or her duties as may be appropriate for the purpose of promoting economy, efficiency and improved services. The act prohibits persons from seeking, offering or providing assistance in the completion of the merit examination. It makes violation of the provisions relating to merit examinations a Class A misdemeanor. Departments would be allowed to hire anyone from the list of available eligible rather than the agency only being provided the top 15 ranking of available eligibles. The act also codifies the back pay hearing process.

This act creates the opportunity for the General Assembly to reappropriate up to 50% of the unexpended amount, after accounting for any withholdings, remaining in an agency budget at the end of the fiscal year. Such moneys may be used for salary bonus payments for full or part-time regular employees of the agency whose median salary is below the median salary for the agency; for purchase of technology equipment; or professional development training for employees.

The act also creates a system of performance evaluation for granting and withholding of salary increases in the state personnel system. It also allows for the payment of incentive awards to state employees in recognition of above standard or outstanding performance. Rules shall be promulgated to implement a performance plan that is simple and understandable; are cost neutral compared to the compensation plan in place for fiscal year 2003; is developed with input from state employees and affected parties; emphasizes planning, management and evaluation of performance; and includes uniform guidelines for all state

agencies. The performance plan shall be submitted to the General Assembly by January 1, 2004. State agencies may implement individualized plans. Initial hiring of state employees shall typically be at the minimum rate in the pay plan for similar positions. The Director shall monitor compliance and file an annual report with the General Assembly.

The act alters the state employee suggestion program. The Commissioner of the Office of Administration shall adopt rules implementing the program. Bonus payments of up to \$3,500 shall be available to state employees who submit workable suggestions for saving state moneys or increased efficiencies in government. The awards shall be paid by the state agency that benefitted from and implemented the suggestion. The Commissioner of the Office of Administration shall oversee the program and implement rules which will preclude opportunities for abuse within the program and ensure objective decision-making procedures.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0694

SENATE SPONSOR Klindt

2011S.01I

SB 694 - This act allows Caldwell County to have a jail anywhere within their county.

RICHARD MOORE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0695

SENATE SPONSOR Goode

2016S.01I

SB 695 - This act stipulates that funding for Medicaid services shall be limited to the appropriations made available for the services.

LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0696

SENATE SPONSOR Coleman

1819S.03I

SB 696 - This act establishes the Child Support Responsibility Act within the Department of Social Services. The Child Support Responsibility Program allows custodial parents to receive child support responsibility payments for a qualified child in certain circumstances. Certain participation requirements must be satisfied (Section 454.580).

The child support responsibility payment shall be \$140 for the first qualified child and \$60 for each additional qualified child. The maximum payment amount per month shall not exceed \$200 (Section 454.583).

Funding for the program will be provided through noncustodial child support payments and appropriations. Appropriations from general revenue may be counted toward the state's maintenance of effort for the federal temporary assistance for needy families (TANF) program.

Any noncustodial parent who is more than two months behind in payments must be referred to the Parent's Fair Share Program or be subject to penalties. A noncustodial parent who has been in the Parent's Fair Share Program for five years and who is not making at least the current child support payment is presumed to have failed the program and will be charged with penalties.

This act is similar to SB 1224 (2002).
LORIE TOWE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0697

SENATE SPONSOR Nodler

2041S.01I

SB 697 - This act designates a portion of Interstate 44 within Jasper and Newton County as the George Washington Carver Memorial Highway.

STEPHEN WITTE

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0698

SENATE SPONSOR Russell

2028S.01I

SB 698 - This act requires commercial users to comply with certain safety requirements for cribs they place in the stream of commerce. Such cribs must have the following design characteristics:

- Corner posts that extend no more than 1/16 of an inch;
- Spaces between the side slats of no more than 2 3/4 inches;
- Mattress supports that may not be easily dislodged from the crib;
- May not contain cutout designs on the panels;
- Must meet specified rail dimensions;
- No loose hardware;
- No sharp edges, points or rough surfaces;
- No rough wood surfaces;
- No tears in mesh or fabric sides.

Any commercial user who places a crib in the stream of commerce which violates these standards is guilty of a Class A misdemeanor.

CINDY KADLEC

022703 S First Read

EFFECTIVE : August 28, 2003

SB 0699

SENATE SPONSOR Russell

1795S.02I

SB 699 - Currently, the foundation formula utilizes an "eligible pupil" count when calculating a school district's entitlement. The term "eligible pupils" is defined in Section 163.011, RSMo, as "the sum of the average daily attendance of the school term plus the product of two times the average daily attendance for summer school."

This act replaces the term "eligible pupils" with the term "average daily attendance" in line 1 of the formula. The term "average daily attendance" is defined in Section 163.011, RSMo, as ". . . the total number of hours attended in a term by resident pupils. . . by the actual number of hours school was in session in that term. To the average daily attendance of the following school term shall be added the full-time equivalent average daily attendance of summer school students. . ."

The aforementioned alteration is rendered only on line 1 of the formula. However, for the purpose of the guaranteed tax base (GTB) calculation, the eligible pupil count is retained.

Further, the act executes similar modifications to section 163.036, RSMo, by requiring school districts to utilize either an estimate of the ensuing year's average daily attendance count, or the first or second preceding year's average daily attendance count in lieu of the eligible pupil count currently utilized.
DONALD THALHUBER

022703 S First Read

EFFECTIVE : August 28, 2003

SCR 001

SENATE SPONSOR Gross

0359S.01T

SCR 1 - This resolution rejects the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

010803 S First Read	S47-48
010903 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S59
011403 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee	
011403 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee	
011403 Reported Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee to Floor	S74
011403 Referred S Governmental Accountability and Fiscal Oversight Committee	S74
011503 Hearing Conducted S Governmental Accountability and Fiscal Oversight	
011503 Voted Do Pass S Governmental Accountability and Fiscal Oversight	
011503 Reported From S Governmental Accountability and Fiscal Oversight Committee to Floor	S91
011503 S Third Read and Passed	S91/H96
011503 H First Read	H96-97
011603 H Second Read	H101
012103 Referred H Rules Committee	H126
012203 Hearing Conducted H Rules Committee	
012203 Voted Do Pass H Rules Committee	
012303 Reported Do Pass H Rules Committee	H155
012803 H Third Read and Passed	H173/S144
012803 Truly agreed to and finally passed	S144

012903 Reported Duly Enrolled S Rules Committee	S149
012903 Signed by Senate President Pro Tem	S149
013003 Signed by House Speaker	H214
013003 Delivered to Governor	S157
013103 Signed by Governor	

SCR 002

SENATE SPONSOR Bland

0223S.03I

SCR 2 - This resolution would rename the Joint Interim Committee on After-School Programs as the Joint Legislative Committee on Out-of-School Programs. The authority of the committee will terminate on December 31, 2004, and the resolution requires that the committee report its recommendations and findings to the General Assembly by January 1, 2005.

Further, the resolution alters the composition of the committee from three members of the House and Senate to include five members from each body.

This resolution is similar to SCR 73 (2002).
DONALD THALHUBER

011503 S First Read	S82-83
012103 Referred Rules, Joint Rules, Resolutions & Ethics Committee	S106
020603 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
021303 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	

EFFECTIVE : Upon Passage

SCR 003

SENATE SPONSOR Loudon

0691S.01I

SCR 3 - This resolution urges the State of Illinois to either enact a law that requires parental consent for minors to obtain an abortion or, if no such law is enacted, to recognize Missouri's parental consent law.

LORIE TOWE

012303 S First Read	S124
012703 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S137
020603 Hearing Conducted S Rules, Joint Rules, Resolutions &	

Ethics Committee
021303 Voted Do Pass S Rules, Joint Rules, Resolutions &
Ethics Committee

SCR 004

SENATE SPONSOR Jacob

1303L.01I

SCR 4 - This resolution would allow the Curators of the University of Missouri to ask for a request for proposals (RFP) from private hotel developers to construct and operate a hotel and convention center on University property under a 50-year lease agreement. The hotel would not be operated by the University and would pay personal and real property taxes. Proceeds of the lease would be used to partially fund an adjacent performing arts center financed exclusively by private contributions. If proposals do not meet the expectations of the Curators, the project will be cancelled.

RON KIRCHOFF

012703 S First Read	S135
012803 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S143
021303 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
022003 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	

SCR 005

SENATE SPONSOR Cauthorn

1275L.01I

SCR 5 - This resolution urges the member of the United States Congress to take up and pass the Federal Marriage Amendment which would allow the state to retain existing authority to legislate in the area of marital benefits, including privileges associated with marriage.

RON KIRCHOFF

020603 S First Read	S180-181
021003 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S205
021303 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

SCR 006

SENATE SPONSOR Stoll

1594S.01I

SCR 6 - This resolution urges Congress to repeal the Government Pension Offset and Windfall Elimination Provisions of the Social Security Act.

DONALD THALHUBER

021003 S First Read S200-201
021103 Referred S Rules, Joint Rules, Resolutions & Ethics S212
Committee
022003 Hearing Conducted S Rules, Joint Rules, Resolutions &
Ethics Committee

SCR 007

SENATE SPONSOR Gross

0491S.03I

SCR 7 - This resolution creates the "Joint Interim Committee on Judicial Resources" to conduct a comprehensive analysis of the fiscal activities of the 45 judicial circuits. The committee must report to the General Assembly by January 1, 2004.

JIM ERTLE

022403 S First Read S287
022503 Referred S Rules, Joint Rules, Resolutions & Ethics
Committee
022703 Hearing Conducted S Rules, Joint Rules, Resolutions &
Ethics Committee

SCR 008

SENATE SPONSOR Dougherty

0984S.01I

SCR 8 - The resolution renames the St. Louis Central Office of the Division of Workforce Development the Nathaniel J. "Nat" Rivers Office of the Division of Workforce Development.

RON KIRCHOFF

022503 S First Read
022603 Referred S Rules, Joint Rules, Resolutions & Ethics
Committee
022703 Hearing Conducted S Rules, Joint Rules, Resolutions
& Ethics Committee

SCR 009

SENATE SPONSOR Shields

1440L.01I

SCR 9 - This resolution urges Congress to enact financially sustainable, voluntary, universal, and privately administered out-patient prescription drug coverage as part of the Medicare program.

RON KIRCHOFF

022603 S First Read

SCR 010

SENATE SPONSOR Bartle

1901L.01P

SCR 10 - This resolution authorizes the Committee On Legislative Research to collate, index, print, and bound all acts and resolutions enacted by the 92nd General Assembly, First Regular Session.

RON KIRCHOFF

022603 S First Read

022603 S adopted

022603 H First Read

SCR 011

SENATE SPONSOR Steelman

1938S.01I

SCR 11 - This resolution directs the Department of Health and Senior Services to create the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program", which will develop and incorporate education programs into the preoperative consultation and informed consent process.

LORIE TOWE

022603 S First Read

SCR 012

SENATE SPONSOR Gibbons

1905S.01I

SCR 12 - This resolution urges the Governor and the Department of Corrections to explore public-private partnerships to design, build and/or manage facilities and to monitor inmate populations.

SARAH MORROW

022603 S First Read

SCR 013

SENATE SPONSOR Nodler

1907S.02I

SCR 13 - This resolution creates a subcommittee within the Joint Committee on Legislative Research. The subcommittee will be charged with investigating ways to reduce costs to state government and increase quality of services to citizens through utilizing private resources within certain aspects of the state government. The subcommittee will consist of 12 members. Three members will be from the Senate, three from the House, with one minority member coming from each house, and six members will come from private business. The subcommittee will meet within three months of forming and subsequently report its findings to the Legislature, Governor, State Auditor and the Joint Committee on Legislative Research.

JEFF CRAVER

022603 S First Read

SJR 001

SENATE SPONSOR Bland

0155S.01I

SJR 1 - This proposed constitutional amendment, if approved by the voters, would ratify the Equal Rights Amendment to the United States Constitution.

This resolution is identical to SJR 28 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

S46

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

S129

EFFECTIVE : Voter Approval

SJR 002

SENATE SPONSOR Bland

0041S.02I

SJR 2 - This constitutional amendment, if approved by the voters, repeals the provisions of the Hancock Amendment as they are found in Sections 16, 17, 18, and 18(e) of article X, Constitution of Missouri as they relate to a limitation on state revenue and limitations on tax increases.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S46

012303 Second Read and Referred S Ways and Means Committee S129

EFFECTIVE : Voter Approval

SJR 003

SENATE SPONSOR Gross

0096S.01I

SJR 3 - This constitutional amendment, if approved by voters, enables the Legislature to extend a property tax exemption to any property owned by veterans' organizations.

This resolution is identical to SJR 39 (2002)

JEFF CRAVER

120102 Prefiled

010803 S First Read

S46

012303 Second Read and Referred S Ways and Means Committee S129

022503 Hearing Conducted S Ways and Means Committee

EFFECTIVE : Voter Approval

SJR 004

SENATE SPONSOR Cauthorn

0291S.01I

SJR 4 - This proposed constitutional amendment, if approved by the voters, allows a school district to provide transportation for private school pupils, provided that any such pupil, or the pupil's parent or other guardian, reimburses the district for the proportionate share of the actual operating and capital expenses incurred in providing the transportation services.

This resolution is identical to SJR 30 (2002).

DONALD THALHUBER

120102 Prefiled
 010803 S First Read S46
 012303 Second Read and Referred S Education Committee S129
 021803 Hearing Conducted S Education Committee

EFFECTIVE : Voter Approval

SJR 005

SENATE SPONSOR Bland

0104S.01I

SJR 5 - This proposed constitutional amendment creates the "Revenue Stabilization Fund" which will be used to receive excess funds during a given fiscal year. If approved by the voters, the fund shall hold the money in lieu of the excess being distributed pro rata to taxpayers. In years of a fiscal shortfall, the general assembly may make use of the revenue in the fund as necessary.

This resolution is identical to SJR 36 (2002).
 JEFF CRAVER

120502 Prefiled
 010803 S First Read S46
 012303 Second Read and Referred S Ways and Means Committee S129

EFFECTIVE : Voter Approval

SJR 006

SENATE SPONSOR Bartle

0521S.02I

SJR 6 - This proposed constitutional amendment abolishes the Highways and Transportation Commission and transfers that body's powers to the Director of the Department of Transportation. The Director will be appointed by the Governor, with the advice and consent of the Senate. The present members of the Highway Commission shall serve until a Director has been appointed by the Governor and approved by the Senate. All references to the Highway Commission shall mean the Director of Transportation and the Department of Transportation.

This resolution is similar to HJR 52 (2002).
 STEPHEN WITTE

120902 Prefiled
 010803 S First Read S46

012303 Second Read and Referred S Transportation Committee S129

EFFECTIVE : Voter Approval

SJR 007

SENATE SPONSOR Loudon

0692S.01I

SJR 7 - This proposed constitutional amendment allows the Highways and Transportation Commission to conduct feasibility studies, fund, design, acquire, construct, maintain and operate toll facilities. The Commission shall fix and collect tolls for the use of all toll facilities. After the costs of paying a toll road has been paid off, the facility shall discontinue collecting fees and the facility shall become part of the state system.

The Commission may issue toll facility revenue refunding bonds for the construction of toll roads. The bonds are to be paid off from toll fees and if necessary from the state road fund. The bonds may be sold at either public or private sale. The proceeds of the bonds shall be deposited in the appropriate toll facility fund. The resolution allows the Commission to transfer moneys from the state road fund to a toll facility fund to finance the feasibility studies if there are funds available. The moneys from the state road fund shall be repaid with interest.

The Commission may enter into contracts with other entities in order to construct the toll roads. The Commission may relocate or incorporate existing public roads for the construction of a toll facility. Revenue generated from the toll roads shall not be included as a part of total state revenue for the purposes of the Hancock Amendment.

This resolution is similar to SJR 33, SJR 37 (2002) and HJR 7 (2001).

STEPHEN WITTE

121202 Prefiled

010803 S First Read

S46-47

012303 Second Read and Referred S Transportation Committee S129

EFFECTIVE : Voter Approval

SJR 008

SENATE SPONSOR Bartle

0704S.01I

SJR 8 - This constitutional amendment, if approved by voters, would create a limit of two terms for the offices of

Lieutenant Governor, Secretary of State, Attorney General and State Auditor. Currently, only the offices of Governor and State Treasurer are subject to a limit of two terms.

JIM ERTLE

121702 Prefiled
010803 S First Read S47
012303 Second Read and Referred S Financial & Governmental S129
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 009

SENATE SPONSOR Yeckel

0638S.01I

SJR 9 - This proposed constitutional amendment removes Article IX, Section 8 of the Missouri Constitution, which explicitly prohibits the distribution of state moneys to religious organizations. Article IX, Section 8 of the Missouri Constitution is commonly referred to as the "Blaine Amendment".
DONALD THALHUBER

121802 Prefiled
010803 S First Read S47
021003 Second Read and Referred S Financial & Governmental S205
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 010

SENATE SPONSOR Yeckel

0637S.01I

SJR 10 - This proposed constitutional amendment removes the portion of Article I, Section 7 that limits the distribution of moneys from the "public treasury in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof".
DONALD THALHUBER

121802 Prefiled
010803 S First Read S47
021003 Second Read and Referred S Financial & Governmental S205
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 011

SENATE SPONSOR Bartle

0724S.01I

SJR 11 - This proposed constitutional amendment, if approved by the voters, would reduce the number of State Representatives from 163 to 105 and increase the number of Senators from 34 to 35.

Beginning with the 94th General Assembly, the state will be divided into 35 senatorial districts. Each state senatorial district shall have 3 state representative districts contained wholly within such senatorial district. Each representative district shall contain as close to one-third of the population of such senatorial district as possible. One reapportionment commission shall be responsible for the division of Senate and Representative districts. Currently, there is both a House and Senate reapportionment commission.

This SJR is similar to HJR 54 (2002).
JIM ERTLE

121802 Prefiled

010803 S First Read

S47

012303 Second Read and Referred S Financial & Governmental S129
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 012

SENATE SPONSOR Mathewson

0667S.05I

SJR 12 - This proposed constitutional amendment raises the gas tax an additional four cents. The proceeds from the additional gas tax are subject to appropriation by the General Assembly and shall be used exclusively for the payment of principal and interest on state road bonds in an amount not to exceed \$2.25 billion as authorized by the general assembly prior to June 30, 2006. The tax will terminate whenever the Commissioner of Administration determines that the proceeds of the tax are sufficient to retire the road bonds or December 31, 2026, whichever is earlier.

STEPHEN WITTE

010803 S First Read

S47

012303 Second Read and Referred S Transportation Committee S129

EFFECTIVE : Voter Approval

TERM DATE : Contingent

SJR 013

SENATE SPONSOR Stoll

0120S.01I

SJR 13 - This proposed constitutional amendment, if approved by voters, will amend Article III of the Missouri Constitution by allowing a person to participate in the management, conduct or operation of bingo if such person has been a bona fide member of the licensed organization for the six months immediately preceding such participation.

This joint resolution is identical to SJR 50 (2000).
JIM ERTLE

011403 S First Read	S74
021003 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S205
022403 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : Voter Approval

SJR 014

SENATE SPONSOR Jacob

1048S.01I

SJR 14 - This proposed constitutional amendment creates the "Revenue Stabilization Fund" which will be used to receive excess funds during a given fiscal year. The fund shall hold the money in lieu of the excess being distributed pro rata to taxpayers. In years of a fiscal shortfall, the general assembly may make use of the revenue in the fund as necessary.

This SJR is identical to SJR 36 (2002).
JEFF CRAVER

011503 S First Read	S84
012303 Second Read and Referred S Ways and Means Committee	S129
021803 Hearing Conducted S Ways and Means Committee	

EFFECTIVE : Voter Approval

SJR 015

SENATE SPONSOR Gross

1168S.01I

SJR 15 - This constitutional amendment, if approved by the voters, would abolish the Missouri Citizen's Commission on

Compensation.
JIM ERTLE

012303 S First Read S126
012803 Second Read and Referred S Financial & Governmental S143
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 016

SENATE SPONSOR Jacob

1522S.01I

SJR 16 - Subject to approval of voters at the next general election, or at a special election called by the Governor, this constitutional amendment repeals legislative term limits.
JIM ERTLE

020403 S First Read S168
021303 Second Read and Referred S Financial & Governmental S225
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 017

SENATE SPONSOR Dolan

1165S.03I

SJR 17 - This proposed constitutional amendment revises the current transportation funding scheme with respect to various state agencies, pending voter approval.

DIVERSION OF HIGHWAY REVENUES: This resolution eliminates non-highway agencies from receiving highway revenues beginning the first fiscal year following adoption of this resolution. The state Highway Patrol is exempt from the diversion the first fiscal year. Beginning the second fiscal year following adoption of this resolution, the amount of highway revenues appropriated to the state Highway Patrol shall be reduced by twenty percent. For every subsequent fiscal year thereafter, the amount of appropriations shall be reduced an additional twenty percent so that by the sixth fiscal year following adoption of this resolution, the state highway patrol will not receive any appropriations from highway revenues.

REDIRECTION OF ONE HALF OF MOTOR VEHICLE SALES TAX - This resolution directs the current one-half of the proceeds from the tax on motor vehicles, trailers, boats, and outboard motors which goes to the General Revenue Fund to fund the activities of the

Highway Patrol. This redirection will be phased in over a five-year period beginning the second fiscal year following the adoption of this resolution.

STEPHEN WITTE

021103 S First Read	S212
021303 Second Read and Referred S Transportation Committee	S225
021803 Hearing Scheduled But Not Heard S Transportation Committee	
022503 Hearing Conducted S Transportation Committee	

EFFECTIVE : Voter Approval

SJR 018

SENATE SPONSOR Coleman

0825S.07I

SJR 18 - This proposed constitutional amendment authorizes the General Assembly to issue one series of bonds in an amount two billion dollars for the purpose of technology and infrastructure upgrading, repairing, remodeling, building, and rebuilding the elementary and secondary schools of this state. No more than 25% of the revenue derived from the bonds may be spent in any three-fiscal-year period.

The bonds will be for 20 years and will bear interest a rate to be set by law. The bonds will be issued by the State board of Fund Commissioners. The interest on the bonds will be paid by corresponding sinking funds.

An income tax surcharge of 1/2 of one percent will be added to the state income tax to pay for the interest on the bonds. In the event that the income tax is insufficient to pay the interest, a statewide property tax will be levied in the following year to pay for such shortfall.

Any excess from the income tax surcharge will be deposited equally into two funds. One fund will be dedicated to two purposes:

1. One-half to be used for grant programs to public schools to promote teacher recruitment, retention, and training, and;
2. One-half to be used for grant programs to public schools to enhance student achievement.

The monies in the other fund will be distributed to the public schools of this state on an equal per pupil basis.

At any time when a refund is triggered by the provisions of the Hancock Amendment, the monies to be refunded will first be used to pay the principal and interest of the debt serviceable

during such fiscal year or any future fiscal year for which the bonds are outstanding. The income tax surcharge will be reduced in the next tax year to offset the additional money made available by the Hancock refund.

JEFF CRAVER

021303 S First Read S226
021703 Second Read and Referred S Education Committee S244

EFFECTIVE : Voter Approval

SJR 019

SENATE SPONSOR Clemens

0617S.02I

SJR 19 - This proposed constitutional amendment, if approved by the voters, would prohibit additional appropriations for funding of professional sports stadiums and related facilities which are utilized for professional sports without a vote of the people.

This joint resolution is similar to HJR 48 (2002).
CINDY KADLEC

021703 S First Read S232

EFFECTIVE : Voter Approval

SJR 020

SENATE SPONSOR Bray

1751S.01I

SJR 20 - This proposed constitutional amendment modifies various constitutional provisions regarding the powers and duties of the state Highways and Transportation Commission.

DIRECTOR OF TRANSPORTATION - This resolution places a Director of Transportation in charge of the Department of Transportation rather than the Commission.

TRANSPORTATION COMMISSION - Beginning January 1, 2005, the Transportation Commission will consist of one member from each congressional district. They shall serve six year terms and shall be appointed by the Governor with the advice and consent of the Senate. Commission meetings will be held at the discretion of the Director of Transportation. The Transportation Commission shall serve in an advisory capacity to the Director of Transportation on matters relating to state transportation programs. On an annual basis, the Transportation Commission must

approve a statewide multimodal transportation plan submitted by the Director.

DIVERSION OF HIGHWAY REVENUES - This resolution curtails the diversion of highway revenues by only allowing the Department of Transportation, the Department of Revenue, the Highway Patrol and the Office of Administration to use such revenues for certain enumerated purposes.

ANNUAL AUDIT - This resolution requires the state Auditor to conduct an annual financial audit of expenditures from the state road fund and the state Highways and Transportation Department fund. The findings of the audit must be reported to the Governor and the General Assembly by October 1st of each year. The purpose of the audit is to determine if the expenditures from such fund are in compliance with state law.

STEPHEN WITTE

021703 S First Read

S233

EFFECTIVE : Voter Approval

SJR 021

SENATE SPONSOR Cauthorn

1487S.01I

SJR 21 - This proposed constitutional amendment, if approved by the voters, would require that the Conservation sales tax be resubmitted to the voters every four years.

SARAH MORROW

021903 S First Read

S263

EFFECTIVE : August 28, 2003

SJR 022

SENATE SPONSOR Klindt

1835S.01I

SJR 22 - This proposed constitutional amendment eliminates the authority of the Department of Conservation to purchase land.

SARAH MORROW

022703 S First Read

EFFECTIVE : Voter Approval

SJR 023

SENATE SPONSOR Coleman

2036S.01I

SJR 23 - This proposed constitutional amendment, if approved by the voters, changes the minimum age requirement for state representatives from 24 to 21 and the minimum age requirement for state senators from 30 to 25.

JIM ERTLE

022703 S First Read

EFFECTIVE : August 28, 2003

SR 0002

SENATE SPONSOR Gibbons

010803 S First Read

010803 S adopted

EFFECTIVE : January 8, 2003

SR 0004

SENATE SPONSOR Kinder

0899S.04I

SR 4 - This resolution revises numerous Senate Committee names and duties. This resolution also revises the number of bills that need to be printed.

RON KIRCHOFF

010803 S First Read

010903 SA 1 S offered & adopted (Kinder)

010903 S adopted, as amended

S47-51

S57-58

S58

SR 0030

SCS SR 30

SENATE SPONSOR Shields

0969S.04C

SCS/SR 30 - This resolution would allow members of the Senate to use their personal laptop computers at the research table which shall not be connected to any network. It would also allow the Research Staff to use laptops at the research table and the Secretary of the Senate to use laptops at the dais which may

be connected to the network and only used to perform the duties required of the Research Staff and the Secretary of the Senate.
RON KIRCHOFF

011503 S First Read	S82
011503 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S82
012303 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
020603 SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee (0969S.04C)	
020603 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS	S187
021103 SA 1 to SCS S offered & adopted (Caskey)	S210-211
021103 SS for SCS S offered (Bartle) (0969S.05S)	S211
021103 SA 1 to SS for SCS S offered (Jacob)	S211
021103 Placed on Calendar	S211
030303 S Resolutions Calendar	

EFFECTIVE : Upon Passage

SR 0113

SENATE SPONSOR Vogel

SR 113 - This resolution grants the Rotary Club permission to use the Senate Chamber for its Student Government Day.
HENRY T. HERSCHEL

013003 S First Read	S154
013003 S adopted	S154

SR 0114

SENATE SPONSOR Vogel

SR 114 - This resolution grants the Missouri Catholic Conference permission to use the Senate Chamber for a citizens assembly and workshop.
HENRY T. HERSCHEL

013003 S First Read	S154
013003 S adopted	S154

SR 0131

SENATE SPONSOR Vogel

SR 131 - This resolution would allow the Silver Haired
Legislature to use the Senate Chamber to conduct their regular
session on October 23, 2003.

RON KIRCHOFF

020403 S First Read	S167
020403 S adopted	S168

SR 0132

SENATE SPONSOR Vogel

SR 132 - This resolution would allow the Missouri YMCA to
use the Senate Chamber to conduct their Youth in Government
program November 22, 2003, and December 3 through December 6,
2003.

RON KIRCHOFF

020403 S First Read	S168
020403 S adopted	S168

SR 0214

SENATE SPONSOR Jacob

SR 214 - This resolution allows Missouri Girls State to use
the Senate Chamber for a mock legislative session on June 24,
2003.

RON KIRCHOFF

022503 S First Read
022503 S adopted

MISSOURI SENATE

BILL STATUS

HOUSE BILLS

HB 0015
HCS HB 15

HOUSE SPONSOR Bearden

0015L.02P

HCS/HB 15 - Supplemental Appropriations

Governor	House
GR	\$ 60,785,655
FEDERAL	171,765,422
OTHER	23,184,035
TOTAL	\$255,735,112

Senate	Final
GR	
FEDERAL	
OTHER	
TOTAL	
RON KIRCHOFF	

- 012703 Introduced and read first time (H) H163
- 012803 Read second time (H) H173
- 012803 Referred: Budget (H) H174
- 020403 Public Hearing Held (H) H
- 021103 Executive Session Held (H) H
- 021303 HCS Reported Do Pass (H) H344
- 021803 HCS adopted in House (H) H369
- 021803 Perfected with amendments (H) H368
- 022403 Third Read and passed (H)
- 022403 S First Read S295
- 022503 Second Read and Referred S Appropriations Committee

HB 0073
HCS HB 73

HOUSE SPONSOR Luetkemeyer

0499L.04P

HCS/HB 73 - This act allows an income tax deduction of up to \$8,000 per taxpayer for annual contributions made to qualified savings programs and any similar I.R.C. Section 529 plan authorized by this state or any other state or political subdivision. Currently, the income tax deduction is only available for contributions made to the Missouri Higher Education Savings Program.

This act creates the "Missouri Higher Education Deposit

Program." This program is a nonexclusive alternative to the Missouri Higher Education Savings Program and participants may elect to participate in both programs subject to aggregate program limitations. The program is administered by the Missouri Higher Education Deposit Program Board which shall consist of the Director of the Division of Finance, who shall serve as chair, the Commissioner of the Department of Higher Education, the Commissioner of the Office of Administration and private citizen representatives with experience in the areas of deposit rate determination and placement of certificates of deposit. Private citizen members shall serve four year terms. Members of the Board shall be subject to conflict of interest provisions for public employees. The Board is required to meet at least quarterly.

The Board is granted certain powers to develop and implement the program, including the power to enter into agreements with financial entities for the operation of the deposit program, provided that such entity is a private for-profit or not-for-profit entity, and the power to enter into participation agreements with participants in the program. The Board may invest the funds received from participants in appropriate investment instruments held by depository institutions or directly deposit the funds in such institutions. The investment of funds may be delegated by the Board to representatives of financial entities, but the investment must be in certificates of deposit and other deposits in federally insured depository institutions. Such representatives must pass a board-approved qualification test and be certified by the Board.

The Board is responsible for establishing various deposit opportunities based on amounts deposited and time held that are uniformly available to all depository institutions that participate in the program. The various categories of fixed or variable rates shall be the only interest rates available under this program.

The Board is authorized to enter into agreements with participants on behalf of beneficiaries. The agreement must include certain terms and conditions, including the method for calculating the return on the contribution, the risks associated with the investment, the maximum amount that may be contributed annually, and an understanding that the agreement does not guarantee admittance to any eligible educational institution. The Board shall establish the maximum annual amount that may be contributed by a participant and the minimum length of time that contributions and earnings must be held by the program. Early withdrawals shall be subject to a penalty.

Contributions and earnings in the program may be used for qualified educational expenses. Participants may cancel a participation agreement at will. The Board shall impose a maximum 10% penalty of the earnings of the account for any

distribution not used for certain purposes. The State Auditor shall, semi-annually, review the financial status and investment policy of the program as well as the participation rate and continued viability of the program. Money accruing to and deposited in individual deposit accounts shall not be part of "total state revenues" as defined by the Missouri Constitution. Personally identifiable information regarding participants and beneficiaries shall be confidential.

This act is identical to SCS/SB 18 (2003).
JIM ERTLE

120902 Prefiled (H)	H
010803 Read first time (H)	H47
010903 Read second time (H)	H57
011603 Referred: Financial Services (H)	H117
020403 Public Hearing Held (H)	H
021103 Executive Session Held (H)	H
021203 HCS Reported Do Pass (H)	H327
021803 HCS adopted in House (H)	H367
021803 Perfected (H)	H366
021903 Referred: Budget (H)	H391
022503 Public Hearing Held (H)	
022503 Executive Session Held (H)	
022603 Reported Do Pass (H)	H464
022703 Third Read and Passed (H)	
022703 S First Read	

EFFECTIVE : August 28, 2003

HB 0074

HOUSE SPONSOR St. Onge

0403L.01P

HB 74 - This act provides that Indian tribes for which service in employment is performed are considered "employers" and requires Indian tribe employers to contribute or make payments in lieu of contributions to the Unemployment Compensation Trust Fund. Further, this act will bring the State into compliance with a federal mandate the noncompliance of which will subject the State and employers of the state to millions of dollars of lost tax credits and grants.

RICHARD MOORE

121002 Prefiled (H)	H
010803 Read first time (H)	H47
010903 Read second time (H)	H57
011603 Referred: Workforce Development and Workplace Safety	H117
012903 Public Hearing Held (H)	H
012903 Executive Session Held (H)	H

021003 Reported Do Pass (H)	H297
021203 Perfected (H)	H322
021303 Third read and passed - EC adopted (H)	H338-340
021303 S First Read	S225-226

EFFECTIVE : August 28, 2003

HB 0122
HCS HBs 122 & 80

HOUSE SPONSOR Johnson

0774L.02P

HCS/HBs 122 & 80 - This act extends the sunset date on the Kansas City public mass transportation sales tax from December 31, 2003, to December 31, 2005. This act also allows Kansas City to use moneys from the public mass transportation trust fund for intracommunity transit services conducted by the interstate transportation authority.

This act is identical to SB 273 (2003).
STEPHEN WITTE

122602 Prefiled (H)	H
010803 Read first time (H)	H50
010903 Read second time (H)	H57
011603 Referred: Local Government (H)	H118
012303 Public Hearing Held (H)	H
013003 Executive Session Held (H)	H
021003 HCS Reported Do Pass (H)	H297
021203 HCS adopted in House (H)	H322
021203 Perfected (H)	H321-322
021303 Third Read and Passed (H)	H337-338
021303 S First Read	S225

HB 0185
HCS HB 185

HOUSE SPONSOR Phillips

0843L.03P

HCS/HB 185 - This act creates the Amber Alert Program, to aid in the identification and location of abducted persons. The Department of Public Safety (DPS) shall develop a program whereby the state will be divided into regions. These regions are a coordinated effort between local law enforcement agencies and local media within the region. If a local entity does not have an alert system in place, DPS will notify local media in their region, who by prearranged plan will issue an alert.

The Department of Public Safety will have authority to notify other regions when there is credible evidence that an abduction suspect is moving across regions. Participation in a

AMBER Alert is entirely at the option of the local law enforcement agency and media.

The program will consist of a procedure to verify abduction, disseminate the information to participating radio and television stations. The alert shall include all appropriate information which may aid in the safe recovery of the abducted person. The alert will be cancelled upon the recovery of the person or at the end of the notification period.

Currently existing local programs operating as of August 28, 2003, will be exempted. Local programs coming on line after August 28, 2003 will need to conform with the following standards: (a) will only be activated in cases where there is a credible threat of serious bodily injury or death; (b) will not be activated in custodial disputes unless there is the credible threat of serious bodily injury or death; and (c) there are sufficient details as to the abduction as to make the activation of the system useful.

The Director of the Department of Public Safety shall promulgate rules for the implementation of the statewide program. Any person who knowingly makes a false report that triggers an AMBER alert will be guilty of a Class A misdemeanor.

The act establishes an Oversight Committee who will be responsible for the development of criteria and procedures for the AMBER Alert Program and expansion of the program to provide for other specified public alerts.

The Oversight Committee will be chaired by the Director of Public Safety and will include the Superintendent of the Highway Patrol, and the following members appointed by the Governor: one representative from the Missouri Sheriff's Association; two from the Missouri Police Chief's Association; one large market radio broadcaster; one small market radio broadcaster; one television broadcaster; and one representative from each AMBER Alert region.
CINDY KADLEC

011403 Introduced and read first time (H)	H68
011503 Read second time (H)	H71
011603 Referred: Children and Families (H)	H118
012203 Public Hearing Held (H)	
012203 Executive Session Held (H)	
012703 HCS Reported Do Pass (H)	H164
013003 HCS adopted in House (H)	H218
013003 Perfected with amendments (H)	H215
020303 H Third Read and Passed	H226-227
020303 S First Read	S164

EFFECTIVE : August 28, 2003

HB 0198

HOUSE SPONSOR Stevenson

0630L.01P

HB 198 This act allows the police to hold persons arrested for 30 hours without a warrant or other process. This act removes current law that allows police to hold for 24 hours a person charged with a dangerous felony.

SARAH MORROW

011603	Introduced and read first time (H)	H101
012103	Read second time (H)	H123
012103	Referred: Crime Prevention and Public Safety (H)	H125
012803	Public Hearing Held (H)	H
020303	Executive Session Held (H)	H
020303	Reported Do Pass with amendments (H)	H229
020503	Perfectured with amendments (H)	H248-249
020603	H Third Read and Passed	H276-277
020603	S First Read	H195

EFFECTIVE : August 28, 2003

HB 0221

HCS HB 221

HOUSE SPONSOR Luetkemeyer

0997L.02P

HCS/HB 221 - This act modifies a number of laws associated with banking.

The act provides that in first class counties having two recorders' offices, priority shall be given to Article 9 securities over liens on deeds of trust and other instruments affecting real property for the period between June 30, 2001 and June 30, 2003. The additional recording fee charged by recorders for the recording of deeds and other documents regarding real property is increased from \$5 to \$6. An additional fee of one dollar is to be collected for marriage certificates, birth certificates, and official bonds required by law, to be deposited in the county employees' retirement fund or to the general revenue fund if the county doesn't have a county employees' retirement fund.

The Missouri Higher Education Loan Authority is authorized to consolidate existing parent loans for undergraduate students ("PLUS"). The date for repayment of bonds issued by the Missouri Higher Education Loan Authority is extended from 30 to 40 years.

Duties of parties regarding the creation of liens on certain watercraft are modified to provide that the director of revenue shall mail the certificate of title with the new and address of

the new lienholder to the owner named in the certificate of title, not the first lienholder named in the certificate.

The Director of the Division of Finance is authorized to obtain data filed with federal regulatory agencies in lieu of requiring direct filing of reports of condition from financial institutions. The Director may require verification of the data from such institutions. During the Director's examination of a bank or trust company, if the director relies upon audits by a C.P.A., the Director must be afforded access to any workpapers used as a basis for the audit. Auditors are required to keep such workpapers for a minimum of three years.

The definition of "bank" is modified to specifically include chartered commercial banks and national banks in this state. The definitions of "demand deposits" and "time deposits" are modified to provide that payment of such deposits can be required as provided in federal law. Currently, payments can be required within 30 days.

Banks are authorized to purchase or lease real property in an amount not exceeding its legal loan limit and may derive income from the renting or leasing of such property. Should the purchase or lease exceed the legal loan limit or be from an interested party, such bank must seek prior approval from the Director of the Division of Finance. Banks and trust companies, savings and loan associations and credit unions may impose fees or service charges on deposit accounts, subject to certain promulgated rules.

The act creates a definition of a "trust holding company" and authorizes the formation of a trust holding company in Missouri. The Director of the Division of Finance is required to determine if a proposed acquisition by a trust holding company of a trust company is consistent with the interests of having sound trust companies. The Director is authorized to grant or deny the proposed acquisition. The Director may examine and investigate trust holding companies.

This act modifies provisions of the Uniform Commercial Code. Any transaction that complies with Articles 3, 4 and 9 of the Code shall not be subject to common law claims other than those specifically provided for in the Code. Consumer transactions are included in the rules for secured transactions when the amount of a deficiency or surplus is in issue.

In section 400.9-525, the act authorizes electronic filing of certain initial financing statements and creates a five dollar fee for such filings. The uniform commercial code transition fee trust fund is abolished. The effective date for section 400.9-525 is July 1, 2003.

This act provides that no person, other than the cardholder

shall disclose more than the last five digits of a credit card or debit card account number on a sales receipt provided to the cardholder for merchandise sold in this state.

Variable rate agreements are subject to certain statutes limiting fees and charges until the extension of credit is paid off or the debtor requests an extension or refinancing. At the time of such request, the creditor may convert the credit extension to a loan contract or times sales agreement, provided the same statutes limiting fees and charges will still apply.

The act repeals certain sections in Chapter 408, RSMo, concerning requirements and restrictions on variable rate unsecured loans. The act repeals the requirement that a lender provide notice to the borrower before disposing of property that was given as collateral for the loan. Sections 408.653 and 408.654 regarding fee limitations and limits for overdraft charges are also repealed.

This act is similar to SB 346 and SB 292 (2003).
JIM ERTLE

012103 Introduced and read first time (H)	H124
012203 Read second time (H)	H133
012703 Referred: Financial Services (H)	H163
020403 Public Hearing Held (H)	H
021103 Executive Session Held (H)	H
021303 HCS Reported Do Pass (H)	H344
021903 HCS adopted in House (H)	H
021903 Perfected (H)	H
022403 Third Read and passed (H)	
022403 S First Read	S295

EFFECTIVE : August 28, 2003

HB 0254

HOUSE SPONSOR Byrd

1206L.01P

HB 254 - The act would enact the provisions of the Uniform Electronic Transactions Act which would make electronic transactions as enforceable as traditional paper transactions if the parties agree to transact electronically. There are some exceptions for documents which must still be executed manually including laws governing the creation of execution of wills, codicils or testamentary trust and other certain provisions of the Uniform Commercial Code.

This act also repeals the current Missouri Digital Signatures Act contained in Sections 28.600 through 28.678, RSMo.

This act is similar to SB 37 (2003).
CINDY KADLEC

012203 Introduced and read first time (H)	H142
012303 Read second time (H)	H152
012703 Referred: Judiciary (H)	H164
012903 Public Hearing Held (H)	H
020503 Executive Session Held (H)	H
021303 Reported Do Pass (H)	H344
021903 Perfected (H)	H
022403 Third Read and Passed (H)	
022403 S First Read	S295

EFFECTIVE : August 28, 2003

HB 0288

HCS HB 288

HOUSE SPONSOR Jetton

0736L.04P

HCS/HB 288 - Beginning in fiscal year 2005, 20% of the moneys from the Gaming Proceeds for Education Fund (in excess of the amount transferred to the school district bond fund) will be redirected into the Classroom Trust Fund, which is created by this act. Each subsequent year for four years, an additional 20% of those moneys will be directed to the Classroom Trust Fund until that percentage reaches 100%. Currently, the moneys from the Gaming Proceeds for Education Fund (in excess of the amount transferred to the school district bond fund) are deposited in the State School Moneys Fund for distribution to the foundation formula.

The act states that the classroom trust fund transfers shall not occur during any fiscal year that the chair of the Senate Appropriations Committee and the chair of the House Budget Committee determines that the appropriation for education funding is insufficient to achieve full funding of the foundation formula.

This act requires that the monies transferred to the classroom trust fund shall be replaced in the State School Moneys Fund by general revenue.

The classroom trust fund monies will be distributed on a per average daily attendance basis and may be used for teacher recruitment and retention, construction and repair of buildings, technology enhancements or instructional materials, school safety, and supplying additional funds for any required state or federal program.

DONALD THALHUBER

012303	Introduced and read first time (H)	H152
012703	Read second time (H)	H163
012703	Referred: Education (H)	H164
012903	Public Hearing Held (H)	H
013003	Executive Session Held (H)	H
013003	HCS Reported Do Pass (H)	H220
021103	HCS adopted in House (H)	H314
021103	Perfected with amendments (H)	H308
021203	Referred: Budget (H)	H327
021703	Public Hearing Held (H)	H
021703	Executive Session Held (H)	H
021803	Reported Do Pass (H)	H370
022003	Third read and passed (H)	
022403	S First Read	S295

EFFECTIVE : August 28, 2003

HB 0321

HS HCS HB 321

HOUSE SPONSOR Wilson

1251L.06P

HS/HCS/HB 321 - This act revises the workers' compensation law. The act modifies the definition of "accident". It states that an injury or occupational disease be compensable only if an accident or occupational exposure was the dominant factor in causing the condition or disability. The act limits benefits for pre-existing conditions in cases where a work-related injury causes increased permanent disability and reduces compensation by the amount of permanent partial disability that was pre-existing. The act exempts from coverage personal health conditions that manifest themselves at work when an accident is not the dominant factor in the need for medical treatment and injuries from unknown causes. Deterioration from normal activities of day-to-day living is not compensable. Requires members of the Labor and Industrial Relations Board to be confirmed by the Senate. It increases the penalty when violation of drug and alcohol rules is involved, by reducing benefits by 50 percent it also requires that intoxication at or above the legal blood level be conclusively presumed to be the proximate cause of injury. The act requires employees on disability to submit to examinations at the request of the state if there is a second injury claim. Requires that voluntary settlements be approved unless they are manifestly unjust. Requires administrative law judges to receive the advice and consent of the Senate and limits appointed terms to four years. The act requires an audit of the Division of Workers' Compensation when the maximum tax rate for the Workers' Compensation Fund or the Second Injury Fund fails to meet the expenses of the previous year. The act states that if the surcharge for the Second Injury Fund is not calculated by October 31 of a given year, then the new rate cannot go into effect less than 60 days from the determination. The act allows an employee to opt out of workers' compensation for religious reasons, but he

or she must sign a waiver agreeing not to take future civil actions against the employee. Finally, the act adds certified peace officers to the list of those for whom certain diseases caused by exposure to smoke, gases, carcinogens, inadequate oxygen, and psychological stress are recognized as occupational diseases.

RICHARD MOORE

012903	Introduced and read first time (H)	H190
013003	Read second time (H)	H214
013003	Referred: Workforce Development and Workplace Safety	H219
020603	Public Hearing Held (H)	H
021203	Executive Session Held (H)	H
021203	HCS Reported Do Pass (H)	H327
021903	House Substitute offered (H)	H380
021903	HS adopted in House (H)	H389
021903	Perfected with amendments (H)	H380
022003	Referred: Budget (H)	H421
022503	Public Hearing Held	
022503	Executive Session Held (H)	
022603	Reported Do Pass (H)	H464
022703	Third Read and Passed (H)	
022703	S First Read	

EFFECTIVE : August 28, 2003

HB 0390

HCS HB 390

HOUSE SPONSOR Behnen

0770L.02P

HCS/HB 390 - This act regulates the licensing and registration of anesthesiologist assistants.

New definitions are provided relating to anesthesiologist assistants (Section 334.400). An anesthesiologist assistant can assist the supervising anesthesiologist in developing and implementing an anesthesia care plan for a patient.

Anesthesiologist assistants are prohibited from:

- Prescribing medications;
- Administering any drugs or devices that are beyond the authority of the supervising anesthesiologist;
- Practicing without the supervision or the immediate availability of the supervising anesthesiologist; and
- Billing patients for services.

Anesthesiologist assistants must be clearly identified and addressed as such to prevent them from being mistaken as a physician (Section 334.402).

An anesthesiologist assistant can apply for a license by filling out the appropriate application forms and paying the

required application fee as promulgated by the board of healing arts. Upon approval of the application, the Board shall issue a license to be valid for two years (Section 334.404).

A temporary license may be granted upon the payment of a temporary license fee, the submission of all required documents, and the applicant meeting the necessary qualifications. The temporary license shall be valid until the results of the examination are announced (Section 334.406).

A licensed anesthesiologist assistant may apply to the Board to be placed on the inactive status list. An anesthesiologist assistant may return to active status by notifying the Board of the intention to resume the practice, paying the appropriate fees, and meeting all the licensure requirements of the Board (Section 334.408).

A licensed anesthesiologist assistant that wishes to retire must file with the Board an affidavit stating the date of retirement and any other facts necessary to verify retirement (Section 334.410).

Upon the payment of a fee and documentation of all locations of previous practice and licensure, the Board can issue a license to any licensed out-of-state applicant without examination or additional certification. The Board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri (Section 334.412).

The Board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and has paid the required fee. The Board shall have the authority to issue subpoenas and establish guidelines for anesthesiologist assistants. The Board may refuse to issue, suspend, or renew a certificate of registration or license or may file a complaint for any of the outlined causes in this section. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to ten years, suspend for up to seven years, or revoke a person's certificate of registration or license. Any person violating any of the provisions of Section 334.400 to Section 334.430 is guilty of a Class A misdemeanor (Section 334.414).

Every licensed anesthesiologist assistant must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to every licensee at their last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt the licensee from penalties (Section 334.416).

Section 334.418 prohibits any person from practicing as an anesthesiologist assistant without a current, valid certificate of registration, with exceptions.

An anesthesiologist assistant must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration (Section 334.420).

All fees will be collected by the Division of Professional Registration and deposited in the Treasury to the credit of the Board of Registration for the Healing Arts Fund (Section 334.422).

An anesthesiologist assistant can only practice under the direct supervision of an anesthesiologist who is physically present or immediately available. The supervising anesthesiologist shall adopt a written practice protocol that delineates the services provided and the manner of supervision. The Board may inspect or audit such written practice protocols (Section 334.424).

Hospitals will have full authority to limit the functions and activities performed by an anesthesiologist assistant (Section 334.426). No person shall portray themselves to the public as a "licensed anesthesiologist assistant", unless they are licensed pursuant to §334.400 to §334.430. Any person found guilty of violating this section will be guilty of an infraction with a maximum fine of \$200 (Section 334.428).

The Advisory Commission for Anesthesiologist Assistants is created and will guide, advise, and make recommendations to the Board. The Commission, comprised of five members, will take effect no later than July 1, 2005. Members may receive up to \$70 per diem. Implementation of the licensing and other statutory requirements shall not take place until money has been appropriated for such purposes and initial rules have become effective (Section 334.430).

This act is identical to SCS/SB 300 (2003).

JIM ERTL

020503	Introduced and read first time (H)	H247
020603	Read second time (H)	H275
020603	Referred: Professional Registration & Licensing (H)	H278
021103	Public Hearing Held (H)	H
021803	Executive Session Held (H)	H
022003	HCS Reported Do Pass (H)	H423
022503	HCS adopted in House (H)	H455
022503	Perfected (H)	H455
022703	Third Read and Passed (H)	
022703	S First Read	

EFFECTIVE : August 28, 2003

HB 0401

SS#2 SCS HB 401

SENATE HANDLER Klindt

HOUSE SPONSOR Pratt

1552S.08T

SS#2/SCS/HB 401 - This act expands the authority of the Board of Public Buildings to issue revenue bonds. The act authorizes the Board to issue bonds for any state educational institution. The Board is allowed to consider appropriations by the General Assembly as net income and revenues. The Board is no longer tied to only issue revenue bonds which are payable from the net income and revenues arising from the operation of the project but simply requires repayment from the net income and revenues relating to any project. The act also expands the definition of "project" to include renovations, improvements and equipping of buildings and structures.

The Board is authorized to issue bonds to provide funds to refinance the payment of general revenue fund temporary notes issued by the Tobacco Settlement Financing Authority. The Board is also authorized to covenant to request annual appropriations in an amount sufficient to pay the principal, interest, and any reserve funds for bonds issued by the Board.

The Board's bonding authority is expanded from \$425 million to \$655 million for bonds for state agencies.

The act also creates bonding authority for the Board of Public Buildings to issue bonds for educational institutions. The mechanisms for issuance of bonds for educational institutions is similar to the method in which bonds are issued for projects for state agencies. The Board's bonding authority for bonds for educational institutions is \$170 million. The provisions relating to the issuance of revenue bonds for projects at educational institutions shall terminate upon the satisfaction of all outstanding bonds, notes and obligations.

The act also prohibits the Tobacco Settlement Financing Authority and the Board of Public Buildings from proceeding further with the tobacco securitization. The provisions authorizing tobacco securitization shall terminate upon the satisfaction of any outstanding temporary notes and obligations.

This act contains an emergency clause.

This act is similar to SB 512 (2003).

CINDY KADLEC

020503	Introduced and read first time (H)	H247
020603	Read second time (H)	H275
020603	Referred: Special Committee on Bonding Authority (H)	H278
021103	Public Hearing Held (H)	H

021103	Executive Session Held (H)	H
021103	Reported Do Pass (H)	H315
021203	Perfected (H)	H326
021303	Motion to Reconsider Perfection vote (adopted)	H334-335
021303	Perfected (H)	H335-337
021303	Third Read and Passed - EC adopted (H)	H340-342
021303	S First Read	S226
021703	Second Read and Referred S Pensions & General Laws Committee	S237
021803	Hearing Conducted S Pensions & General Laws Committee	
021803	SCS Voted Do Pass S Pensions & General Laws Committee (1552S.03C)	
021803	Reported From S Pensions & General Laws Committee to Floor w/SCS	S256
021903	SS for SCS S offered (Russell) (1552S.04F)	S265
021903	SA 1 to SS for SCS S offered (Klindt)	S265
021903	Bill Placed on Informal Calendar	S265
021903	SA 1 to SS for SCS S withdrawn	S269
021903	SS for SCS S withdrawn	S270
021903	SS#2 for SCS S offered (Russell) (1552S.08F)	S270
021903	SA 1 to SS#2 for SCS S offered & adopted (Klindt)	S270
021903	SA 2 to SS#2 for SCS S offered & adopted (Goode)	S270
021903	SA 3 to SS#2 for SCS S offered & adopted (Russell)	S270
021903	SA 4 to SS#2 for SCS S offered (Quick)	S270-271
021903	SA 1 to SA 4 to SS#2 for SCS S offered (Steelman)	S271
021903	SSA 1 for SA 1 to SA 4 to SS#2 for SCS S offered & withdrawn (Shields)	S271
021903	SA 1 to SA 4 to SS#2 for SCS S defeated	S271
021903	SA 4 to SS#2 for SCS S defeated	S271
021903	SA 5 to SS#2 for SCS S offered & defeated (Mathewson)	S271-272
021903	SA 6 to SS#2 for SCS S offered & adopted (Russell)	S272
021903	SS#2 for SCS, as amended, S adopted	S272
021903	Referred S Governmental Accountability & Fiscal Oversight Committee	S272
021903	Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee	
021903	Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee	
021903	Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor	S272
021903	S Third Read and Passed - EC adopted	S272
022403	H concurred in SS#2/SCS	
022003	H Third Read and Passed - EC adopted	
022003	Truly Agreed to and Finally Passed (w/EC)	S295
022403	Signed by House Speaker	
022403	Signed by Senate President	S296
022403	Delivered to Governor (w/EC)	

EFFECTIVE : Emergency Clause

HB 0412

HOUSE SPONSOR Goodman

0561L.01P

HB 412 - This act requires every Governor-elect and members of the General Assembly to form inaugural committees to receive and accept contributions for inaugural activities. The Committees will be subject to all campaign finance reporting requirements, obligations and contribution limits. No expenditure of public funds will be made in support of the inaugural activities prior to the formation of the committees and the expenditure of public funds will not be subject to the campaign contribution limits. Any funds remaining after all inaugural expenses have been paid will escheat to the state.
CINDY KADLEC

020603	Introduced and read first time (H)	H274
021003	Read second time (H)	H297
021303	Referred: Elections (H)	H343
021803	Re-referred to committee (H)	H370
021803	Referred: Rules (H)	H370
022003	Public Hearing Held (H)	H
022003	Executive Session Held (H)	H
022003	Reported Do Pass (H)	H424
022403	Perfectured with amendments (H)	H436
022703	Third Read and Passed (H)	
022703	S First Read	

HCR 001

SENATE HANDLER	Gibbons	HOUSE SPONSOR
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010803	H First Read	
010803	H adopted	
010803	S First Read	S7
010903	S adopted	S58
011503	H escort committee appointed	/S81
011503	S escort committee appointed	S81

HCR 002

SENATE HANDLER	Gibbons	HOUSE SPONSOR
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010803	H First Read
010803	H adopted

010803 S First Read	S7
010903 S adopted	S58
012203 H escort committee appointed	/S111
012203 S escort committee appointed	S111

HCR 006

HCS HCR 6

SENATE HANDLER Gross HOUSE SPONSOR Bruns

0428L.03

HCS/HCR 6 - This resolution rejects the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

011403 Introduced and read first time (H)	H67
011503 Read second time (H)	H71
011603 Referred: Rules	H117
012103 Public Hearing Held (H)	
012103 Executive Session Held (H)	
012103 HCS Reported Do Pass (H)	H126
012203 HCS H adopted	
012203 H adopted	
012303 S First Read	S129-130
012703 Referred S Rules, Joint Rules, Resolutons & Ethics Committee	
012803 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
012803 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
012803 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S143
012803 Referred S Governmental Accountability & Fiscal Oversight Committee	S143
012803 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee	
012803 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee to Floor	
012803 Reported From S Governmental Accountability & Fiscal Oversight Committee To Floor	S143
012903 S Third Read and Passed	S148
012903 Truly Agreed to and Finally Passed	H207
013003 Signed by House Speaker	H215
013003 Signed by Senate President Pro Term	S157
013003 Delivered to Governor	H215
013103 Signed by Governor	
